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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NOS. 2009-65182, 2011-69848,
2012-56777, 2012-70085, 2013-20993, 2013-54068,
2013-63489, 2013-64273

IN THE INTEREST OF GENEVIEVE) IN THE DISTRICT COURT
MYLES AND JORDYN MYLES,)
CHILDREN,)
IN THE RE: JENNIFER CLEVELAND,)
AN ADULT)
IN THE MATTER OF)
THE MARRIAGE OF)
MARY MAGDELENA ABREGO)
AND) HARRIS COUNTY, TEXAS
MARK ANTHONY ABREGO)
AND IN THE INTEREST OF)
DAMIAN ANTHONY ABREGO,)
A CHILD, ET AL) 311TH JUDICIAL DISTRICT

RECUSAL HEARING

On the 18th day of December, 2013, the following
proceedings came on to be held in the above-titled and
numbered cause before the Honorable Don Ritter, Judge
Presiding, held in Houston, Harris County, Texas.

Proceedings reported by computerized stenotype
machine.

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1 THE COURT: First case is Nebo?

2 MR. BROWN: Correct, Your Honor.

3 THE COURT: Okay. Whose motion is this?

4 MR. BROWN: Ours.

5 THE COURT: Okay. And this is a motion
6 to recuse; is that right?

7 MR. BROWN: Yes, sir. May I approach the
8 Court so I can hear what you're saying?

9 THE COURT: Sure. All the lawyers come
10 up.

11 MR. BROWN: We have filed eight motions
12 and they are set sequentially all day long. It will be
13 the same evidence to all of them and we ask you to
14 consider letting us try all of them at the same time for
15 time's sake.

16 THE COURT: Okay. Are you all together?

17 MR. BROWN: Yes, sir, Your Honor.

18 MR. TRAVERS: And I'm opposing counsel on
19 Nebo only.

20 THE COURT: Do the other lawyers on the
21 other cases know that we're trying them all together?

22 MR. BROWN: Yes, sir.

23 THE COURT: Are they here?

24 MR. WALDROP: I contacted them all and
25 none of them are opposed to the motion and some are on

1 their way here, Your Honor.

2 THE COURT: Okay. Well, the ones that
3 are here and they're not opposed to that, I don't have
4 any problem. Also, the bailiff informed me that Channel
5 13 wants to take a couple of shots through the door back
6 there and I said I don't have any problem with it.

7 Are you looking at me?

8 MR. BROWN: Yes, sir. I'm trying to
9 decide which is your best side so we can tell them --

10 THE COURT: I don't have a good side any
11 way you look at it. So nobody has a problem with that?

12 MR. BROWN: No.

13 MR. TRAVERS: No, sir.

14 THE COURT: That's fine with me. Now, I
15 understand the first thing or order of business is the
16 motion to quash the witness subpoena?

17 MR. BROWN: There appear to be several of
18 them.

19 THE COURT: Several?

20 MR. BROWN: Motions to quash.

21 THE COURT: Who are those?

22 MS. TEACHEY: Judge, I'm Lisa Teachey.
23 I'm the staff attorney for the Harris County District
24 Courts. I have motions to quash the subpoena for Judge
25 Pratt in all eight cases.

1 THE COURT: Okay.

2 MS. TEACHEY: They've been filed this
3 morning.

4 THE COURT: Are we going to hear those
5 first?

6 MS. TEACHEY: I would like to if the
7 Court --

8 THE COURT: Sure, that's fine.

9 MR. ENOS: Judge, my name is Greg Enos.
10 I have a motion to quash a subpoena on me. Although I'm
11 here this morning, I just can't be available this
12 afternoon or tomorrow, so I don't know how this plan to
13 do them all together will affect me, but I also have a
14 motion to quash as well.

15 THE COURT: Okay.

16 MR. BROWN: I can assure the Court we're
17 going to be through today.

18 THE COURT: Well, he might have something
19 to do this afternoon.

20 MR. BROWN: And if that happens, I have
21 no problem with taking testimony, the six or seven
22 questions I have to ask him, over the telephone to
23 corroborate other evidence that we're putting on.

24 THE COURT: Whose case are you here on,
25 Mr. Enos?

1 MR. ENOS: I was subpoenaed on all eight
2 cases, Judge.

3 THE COURT: Okay.

4 MR. BROWN: Mr. Enos prosecuted a motion
5 to recuse yesterday against Judge Pratt. Whether it was
6 granted or not, I wasn't here.

7 MR. ENOS: It was granted.

8 THE COURT: Well, what's relevant about
9 that? You know me, I'll get down to relevance the first
10 thing.

11 MR. BROWN: Sure.

12 THE COURT: And what is relevant about
13 his? What does he know that we need to know in these?

14 MR. BROWN: If what we put before you is
15 true, that there was backdating of documents, changing
16 of court records and the like, there are two other
17 cases, three other cases that we know that has occurred,
18 so in proving that, we would show a continuing course of
19 conduct on the part of Judge Pratt.

20 THE COURT: Okay. Now, were any of those
21 relevant? I mean, does any of that have anything to do
22 with the motion to recuse on these particular cases?

23 MR. BROWN: Yes, sir.

24 THE COURT: In what way?

25 MR. BROWN: Well, because we say the same

1 thing occurred in these cases, that there was a
2 backdating of documents, a changing of court records
3 that occurred to the detriment --

4 THE COURT: Of these cases?

5 MR. BROWN: Yes.

6 THE COURT: How?

7 MR. BROWN: Well, for instance, one,
8 there was a decree that was allegedly entered on
9 October 31st, 2013. Never even in the JIMS system,
10 wasn't in the Court's file, no docket sheet shows that,
11 and we went down and perused the Court's file, went on
12 JIMS virtually every day, and then magically it shows up
13 at a point in time after a motion to recuse was filed on
14 her. We see a pattern of this type of activity
15 happening where judgments are backdated, sometimes to
16 the point of over 30 days when appeal can't be taken.

17 THE COURT: Okay, I understand all that,
18 and I've read the newspapers about her. What I'm trying
19 to figure out --

20 MR. BROWN: I haven't.

21 THE COURT: I've read every newspaper
22 article that's involved Judge Pratt in all this.

23 MR. BROWN: Yes, sir.

24 THE COURT: What I'm trying to figure is
25 why any of that would recuse her on these specific

1 cases.

2 MR. BROWN: Well, it is corroborative of
3 the evidence that we will give you. It shows a
4 continuing course of conduct, the same type of conduct.

5 THE COURT: How does it affect these
6 particular cases?

7 MR. WALDROP: Your Honor, if I may.

8 THE COURT: No. Let me hear from him and
9 then I'll hear from you.

10 MR. BROWN: Because if there's evidence
11 that the same thing is occurring or has occurred in
12 other cases pending in her court under similar
13 conditions, I submit to the Court --

14 THE COURT: Okay. Well, I'm going to
15 look at Rule 18 as you go along and if you can't prove
16 up some specific act, omission or statement that comes
17 under Rule 18(a), then we'll take a look at it then.

18 MR. BROWN: Well, we have more than 18(a)
19 and (b).

20 THE COURT: Where else can you go?

21 MR. BROWN: Violation of criminal statute
22 that refers back to 18(b).

23 THE COURT: Okay. Well, you'll have to
24 let me look at that.

25 Go ahead.

1 MR. WALDROP: Thank you, Your Honor.
2 There was a letter put out where many attorneys signed
3 their name, asking Judge Pratt to step down, and that
4 was a direct result of his criminal complaint against
5 her. That is why he is a necessary witness as well and
6 to corroborate that letter. That letter and every
7 attorney who signed it leads to bias under 18(b), I
8 believe it is, (b)(2), which is bias, so that's also why
9 Mr. Enos is relevant.

10 MR. BROWN: But there will be very few
11 questions asked of Mr. Enos. Believe me, I would be
12 happy to have him somewhere else.

13 MR. ENOS: Well, Judge, I'm here now. I
14 don't know why I couldn't testify this morning so I
15 could do my business in Galveston. And as far as these
16 allegations against Judge Pratt, I don't have personal
17 knowledge of them. I did file a complaint, but it was
18 based on information I obtained from other people's
19 cases. So I don't have personal knowledge of these
20 things because they didn't occur in my cases. I'm
21 certainly happy to assist these gentlemen in court any
22 way I can, but in my situation, I don't have firsthand
23 knowledge of any of this other than I did file a
24 criminal complaint.

25 MR. BROWN: Until I make my proffer on

1 what we have personal knowledge of, I can't call him to
2 corroborate, coming under Texas Rule of Evidence 406 to
3 show habit, routine or practice.

4 THE COURT: Well, are you talking about
5 Judge Pratt's habits?

6 MR. BROWN: Yes.

7 THE COURT: Okay. I'm still probably
8 going to need to be convinced that she did something
9 under the rule or the criminal statute that you talk
10 about. I'm not familiar with it.

11 MR. BROWN: I understand the burden of
12 proof. There is a presumption she has acted correctly,
13 and we have to overcome that presumption. I know what
14 our burden is. I've practiced in front of you for
15 years. We can put on straight evidence, and if you
16 overrule, I'm not going to argue with you.

17 THE COURT: Okay. Is everybody here?
18 You've been subpoenaed on all eight cases; is that
19 right?

20 MR. ENOS: Yes, sir.

21 THE COURT: Are all the lawyers here on
22 all the eight cases?

23 MR. WARD: Your Honor, my name is Todd
24 Ward. I represent Marilyn Epps, and she's going to
25 assert the Fifth Amendment right.

1 MR. CLARK: Your Honor, my name is Robert
2 Clark. As with Mr. Enos, I've been subpoenaed on all
3 eight cases as well. I'm here to assist.

4 MR. ENOS: Well, we have a lot of
5 witnesses here, Judge, but I don't think we have
6 opposing counsel on most of those eight cases.

7 MR. WALDROP: And as I've said, they are
8 all unopposed. Everyone. I know Mary Quinn is on her
9 way and I know Stephanie Proffitt is on her way.

10 THE COURT: Well, I'm just trying to get
11 him out of the courtroom, if I can.

12 MR. BROWN: I'm happy to take the answer
13 to very few questions if I can tie him up under his
14 testimony from counsel by telephone. I don't want to
15 keep him from going and practicing in Galveston County.

16 THE COURT: Come up here and we'll get
17 you to take the oath.

18 If the others have a problem with it,
19 they can come back tomorrow sometime.

20 MR. BROWN: Oh, I see.

21 THE COURT: Yeah, I mean, if the others
22 have a problem with it, they can read the transcript and
23 if they still have got a problem, they can all come back
24 tomorrow and he can come back tomorrow.

25 Would that be all right?

1 MR. ENOS: Well, I actually have more
2 conflicts tomorrow, and if I'm here -- if I'm here now,
3 I don't know why I couldn't testify now.

4 THE COURT: Well, I can look at these
5 motions to quash and just go ahead and do it that way.

6 MR. BROWN: I'm sorry?

7 THE COURT: You've got a motion to quash,
8 right?

9 MR. ENOS: Yes, sir. It was
10 electronically filed. I have a copy here.
11 Apparently --

12 THE COURT: Let me look at your copy
13 because it will take all the rest of the day for me to
14 pull it up.

15 MR. ENOS: Yes, sir.

16 THE COURT: Thank you. Let me take a
17 quick look at it. So this was a trial witness
18 subpoenaed that you rendered?

19 MR. ENOS: Yes, sir.

20 THE COURT: Did they ask you for a lot of
21 documents, is that it?

22 MR. ENOS: No, sir. They just asked
23 me -- served me yesterday with a subpoena in eight cases
24 and they only gave me \$10 instead of 80, I think. We're
25 thinking of a class action for all of these witnesses

1 here. So we got short-changed.

2 MR. BROWN: We gave him what he was
3 worth, if it please the Court.

4 MR. ENOS: But my point is, I have a
5 conflict this afternoon, which I can probably work
6 around, but tomorrow I'm in Galveston.

7 THE COURT: Well, you're here for today.

8 MR. ENOS: Yes, sir.

9 THE COURT: Okay. Now, tell me what it
10 is that you expect to prove of him. I guess the other
11 lawyers are going to be trying to prove the same thing.
12 Did you all confer with the other lawyers on these
13 motions to recuse?

14 MR. WALDROP: We've conferred to the
15 extent we could on it.

16 MR. BROWN: Yeah, and we sat through the
17 testimony yesterday.

18 THE COURT: Were you here yesterday,
19 Mr. Enos?

20 MR. ENOS: Yes, sir. My law firm had a
21 motion to recuse yesterday, which was granted.

22 MR. BROWN: And I was shocked when it was
23 granted. It was a poor presentation.

24 MR. ENOS: So, Judge, I'm here and I
25 brought stuff to work on and I can be here, but tomorrow

1 would work a real hardship on my clients and my law firm
2 if I --

3 THE COURT: Let's get you to take the
4 oath. You all can ask him what you want to.

5 (Witness sworn)

6 THE COURT: Mr. Brown? Which one?
7 You all know the rules. One lawyer per
8 witness.

9 MR. WALDROP: Yes, sir.

10 **GREG B. ENOS,**
11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 Q (BY MR. WALDROP) Mr. Enos, would you state
14 your name for the Court, please?

15 A Greg Enos.

16 Q And you published a news letter; is that
17 correct?

18 A Yes.

19 Q And you also filed a criminal complaint
20 against Judge Pratt; isn't that correct?

21 A I did.

22 Q What did you base that criminal complaint on?

23 A I had obtained information from various
24 attorneys about cases involving Judge Pratt, and some of
25 those seemed to involve backdating of court orders, so I

1 started my own journalistic investigation. I contacted
2 the attorneys on all those cases. I wrote a rough draft
3 of an article. I sent a rough draft of my article to
4 the attorneys, asking them to verify the information.
5 Some of them did not respond. Some of them sent me
6 corrections. Some of them sent me documents. I talked
7 to a few of the attorneys. I talked to one of the
8 clients in one of the cases. Before I filed my
9 complaint with the District Attorney, I sent a copy to
10 Judge Pratt as a courtesy and asked her to tell me if I
11 had anything wrong, if there were corrections that were
12 needed, and then --

13 Q Did you receive a response from Judge Pratt?

14 A I did not.

15 MR. WALDROP: May I approach, Your Honor?

16 THE COURT: Yes.

17 MR. WALDROP: I would like to show the
18 witness what has been premarked as Movant's Exhibit 1.

19 Q (BY MR. WALDROP) Would you tell the Court
20 what that document is?

21 A Exhibit 1 is a copy of the second criminal
22 complaint I filed. I filed another one on October 21st,
23 and then as a result of the publicity about that, I
24 heard about another even more clear-cut case of
25 backdating court orders, plus I had also received a

1 correction. In fairness to Judge Pratt, I wanted to
2 make a correction, so that's why this says Version 2,
3 October 27th.

4 Q So that would be the live complaint?

5 A Yes. That was sent to the District Attorney
6 minus the exhibits. What I sent the District Attorney
7 was a notebook that had about this many exhibits to it.
8 This is the actual body of the complaint.

9 Q And how many cases were listed in your
10 complaint?

11 A I believe four.

12 Q And specifically what does your complaint
13 allege as to those cases?

14 A That in each of those cases, one of them on
15 several occasions, that Judge Pratt signed orders but
16 then dated them for dates apparently weeks or months
17 prior to the date she actually signed the order.

18 Q What is the first case that is alleged in your
19 complaint?

20 A A case called Bates.

21 Q And who is the lead attorney on that case?

22 MR. TRAVERS: Objection, Your Honor. I
23 think the witness is testifying about a document that's
24 not in evidence. I don't think it's been offered.

25 MR. WALDROP: Offer Movant's Exhibit 1.

1 MR. TRAVERS: No objection.

2 THE COURT: It's admitted.

3 MR. WALDROP: Thank you, Mack.

4 A And, counsel, I didn't bring my complete set
5 of records with me. I don't think I actually mentioned
6 the attorneys' names in some of these cases, so I off
7 the top of my head do not recall.

8 Q (BY MR. WALDROP) In Bates, we're talking about
9 Marcia Zimmerman. Does that ring a bell?

10 A Yes, actually it does.

11 Q Okay. And in researching your Bates case that
12 you put in your complaint, what investigation did you
13 conduct?

14 A I looked at court documents. On this one I
15 actually went to the courthouse to try and look at the
16 court file. I talked to two of the three attorneys
17 involved in the case and I sent a rough draft of this
18 section about the Bates case to the attorneys and told
19 them if I've got something wrong, if I've got an error,
20 please let me know.

21 Q What did you find in the Bates case regarding
22 backdating specifically?

23 A That in this case Judge Pratt had heard an
24 enforcement filed by a father who wasn't allowed to see
25 his child. She never issued a ruling. Finally, after

1 many months, the father's attorneys filed a writ of
2 mandamus. The Court of Appeals issued an order granting
3 the writ of mandamus, and the very next day an order
4 appeared by Judge Pratt that purported to be dated about
5 eight or nine months before the mandamus decision.

6 Q What's wrong with that, the date on her order,
7 Judge Pratt's?

8 A The Court of Appeals issued its mandamus order
9 on May 14th. On May 15th, this document appeared,
10 signed by Judge Pratt, dated in her writing August 1st,
11 2012.

12 Q My question is, why is that something that's
13 subject of a criminal complaint?

14 A Well, as I understand the criminal statute on
15 tampering with a government record, knowingly making a
16 false entry in a government record, which is defined by
17 the Penal Code to include court documents, is a crime,
18 plus in this instance, if you hold a woman in contempt
19 but don't tell her and don't tell the other parties
20 until nine months later, her order held the respondent
21 in contempt, sentenced her to 180 days in jail,
22 suspended it as long as the father had all his
23 visitation. He didn't know that he had the right to get
24 to do that. She didn't know. She faced incarceration.
25 So in this instance issuing an order and backdating it

1 affected the constitutional rights of both parents.

2 Q So that backdating is why you filed your
3 criminal complaint on Bates?

4 A That's correct.

5 Q And DuPont, who's the lead attorney on this
6 case?

7 A You know, I honestly don't remember the names
8 on this one either.

9 Q Does Rob Clark ring a bell?

10 A Oh, yes. Mr. Clark was the attorney on the
11 DuPont case.

12 MR. BROWN: If it please the Court, there
13 is another lawyer involved that has shown up.

14 THE COURT: Would you state your name
15 just for the record, please?

16 MS. PROFFITT: Yes, Your Honor. My name
17 is Stephanie Proffitt. I am the amicus attorney on the
18 Abrego matter.

19 MR. WALDROP I just ask if she's opposed
20 or unopposed to the motion to recuse.

21 MS. PROFFITT: I'm unopposed to the
22 motion to recuse.

23 THE COURT: Unopposed to the motion to
24 recuse Judge Pratt?

25 MS. PROFFITT: Correct.

1 THE COURT: Okay. Does that make a
2 difference to me?

3 MS. PROFFITT: I don't know.

4 THE COURT: I'm wondering if two lawyers
5 can --

6 MS. PROFFITT: My decision doesn't --

7 THE COURT: Well, I'm just wondering if
8 two lawyers who oppose each other can get together and
9 recuse the judge.

10 MR. BROWN: Apparently not.

11 MS. PROFFITT: And, Your Honor,
12 technically I'm not opposing counsel. I am the amicus
13 attorney appointed by the Court. Ms. Farah Kamal, who I
14 do not see, is the opposing party to Mr. Waldrop.

15 MR. WALDROP: That's correct, who is
16 unopposed as well, and we spoke with her yesterday.

17 MS. PROFFITT: And since there's not a
18 lot of chairs, I'm going to sit back and --

19 THE COURT: Sure. Are you aware that
20 Mr. Enos is on the witness stand as a result of a
21 witness subpoena and he has filed a motion to quash the
22 subpoena, but we've got him on the witness stand anyway.

23 MS. PROFFITT: Okay. Thank you, Your
24 Honor.

25 Q (BY MR. WALDROP) Same drill in the DuPont

1 case. In your investigation, what did you do?

2 A I looked at court documents, I talked to
3 attorneys in the case, I faxed a rough draft of this
4 section of my paper to the attorneys and asked for their
5 corrections.

6 Q And what did you find in the DuPont case?

7 A In this case these people had a divorce trial
8 in February of 2013 but never could get a ruling. They
9 kept checking with the court coordinator and he would
10 confirm there was no ruling. On May 14th the Court of
11 Appeals in the Bates case issued its decision and told
12 Judge Pratt that she had to rule in the Bates case.

13 On May 15th, the same day that the order
14 mysteriously appeared in the Bates case, Judge Pratt's
15 court faxed a rendition in the DuPont case to the
16 attorneys. Faxed May 15th. Signed by the Judge and
17 dated February 15th, 2013. And in that instance what
18 was faxed to the attorneys is a document that's entitled
19 Judge's Rendition and it does not have a file stamp.
20 What appeared in the District Clerk's file was the exact
21 same document with a file stamp.

22 Q So faxed May 15th but signed February 15th,
23 2013?

24 A Correct.

25 Q How do you know that's backdated, Mr. Enos?

1 A Well, the file-stamp version has a file stamp
2 date of February 15th. If it was file stamped on
3 February 15th and faxed to the attorneys, that would
4 have appeared on what was faxed to the attorneys, but
5 what the attorneys got lacks the file stamp.

6 Q Is that the basis that you filed your criminal
7 complaint on DuPont?

8 A Well, not only that, but the attorneys were
9 checking with the court coordinator and he told them
10 there had not been a ruling. So how could the Judge
11 have ruled three months before, and the coordinator, who
12 was checking, not know there was a ruling?

13 Q You're saying both attorneys on the DuPont
14 case were checking?

15 A Well, I know at least for sure Mr. Clark was.
16 And not only that, the attorneys weren't notified of the
17 ruling, and the entry date that is on her order was
18 never calendared as an entry date in the clerk's
19 computer.

20 Q And wasn't there an issue with the clerk's
21 initials on the file stamp in that case? There was a
22 shifting of clerks and one clerk's initials appeared,
23 but they didn't work there at the time; is that right?

24 A Right. The good lady that us attorneys loved
25 and appreciated who worked as a clerk did not work in

1 Judge Pratt's court on February 15th.

2 Q Who was that good lady?

3 A As I understand those initials, they were
4 Marilyn Epps'.

5 Q And whose initials were on the order?

6 A Well, I believe the ME is Marilyn Epps.

7 Q And the date of the order, she did not work
8 there at the time, is that what you're testifying to?

9 A Well, that's what I was told by Chris Daniel,
10 the District Clerk.

11 Q Let's go to the Hernandez case, same drill.
12 Tell the Court your investigation on the --

13 THE COURT: How many are we going to go
14 through? I mean, I'm not going to go through all of
15 them.

16 MR. WALDROP: Okay.

17 THE COURT: If there's one or two, you
18 can ask him if every one of them was the same or
19 something like that.

20 MR. WALDROP: I can sum it up, Your
21 Honor.

22 THE COURT: Not one at a time.

23 MR. WALDROP: Yes, sir.

24 Q (BY MR. WALDROP) For each case listed in your
25 complaint, did you find a backdating of orders by Judge

1 Pratt?

2 A I found evidence that would lead a reasonable
3 person to believe the orders had been backdated. I
4 wasn't obviously personally there to see it happen, but
5 in each of these instances lawyers who are familiar with
6 family law and how courts operate would know that it's
7 just seemingly impossible that they could have been
8 signed on the dates Judge Pratt dated them.

9 Q Based on the timeline, the appellants and also
10 the clerk's initials that you mentioned earlier; is that
11 correct?

12 A That and just the sequence of events. Each of
13 these cases kind of cascaded on one to the other, that
14 once one mandamus was issued and she was publicly
15 criticized by the Court of Appeals for not issuing an
16 order, these other orders started being issued, and you
17 can just set them on a calendar and see when things
18 happened and realize that unless she was signing orders
19 and somehow stashing them for months before she gave
20 them to her clerks, it just could not have happened in
21 the sequence she claims.

22 Q And I'm going to latch on to what you said
23 about a calendar, when you look at a calendar or a
24 timeline. Did you find a habit, routine or a practice
25 of Judge Pratt backdating orders?

1 A Yes.

2 MR. WALDROP: Pass the witness, Your
3 Honor.

4 THE COURT: Okay. You got any questions?

5 MS. TEACHEY: Judge, I'm here for the
6 limited purpose of the motion to quash. I can't address
7 the merits on behalf of Judge Pratt under a recusal.

8 THE COURT: Okay. Well, actually right
9 now we're just talking about his actual evidence in the
10 case, right?

11 MR. WALDROP: That's correct, Your Honor.
12 And to talk about her motion to quash, I would like to
13 ask him a couple of follow-up questions, because one of
14 her allegations is we can't get it from any other
15 source. We have to show that. And I want to ask
16 Mr. Enos whether he has ever worked in the court or has
17 any inside knowledge of the court.

18 THE COURT: Okay.

19 Q (BY MR. WALDROP CONT'D) Mr. Enos, do you work
20 in the 311th District Court?

21 A I do not.

22 Q Do you have any inside knowledge as to the
23 inner workings of the 311th, practice of the 311th?

24 A Not really, other than what you observe as a
25 lawyer sitting out in the courtroom, but I've never

1 worked there as a clerk and I've never gone back and see
2 how they handle their paperwork.

3 Q When someone files something, you don't know
4 the process that follows, to whom each document goes in
5 the court and the practice of the court; is that
6 correct?

7 A I do not.

8 Q Have you ceased taking cases in the 311th
9 Court?

10 A That is correct. I don't think I would do my
11 clients a service at this point to represent them in
12 that court.

13 Q And tell the Court why you ceased taking
14 cases.

15 A I think I've caused Judge Pratt enough
16 problems, that I don't think people should be able to
17 hire a lawyer and then use the lawyer to get out of
18 Judge Pratt's court, so I'm not taking cases either
19 because they randomly are already in her court or
20 because lawyers come to me and want to use me as an
21 excuse to get out of court.

22 MR. WALDROP: Pass the witness, Your
23 Honor.

24 MS. TEACHEY: Judge, I'm in kind of a
25 little sticky situation here. I just need the record to

1 reflect that I am not asking him any questions on the
2 merits of the recusal, because I can only ask him
3 questions on the merits of my motion to quash. So if I
4 can please have that on the record before I begin, I
5 would just like to ask him a simple question regarding
6 the motion to quash only.

7 THE COURT: Sure.

8 **CROSS-EXAMINATION**

9 Q (BY MS. TEACHEY) Mr. Enos, I'm Lisa Teachey.
10 I'm the staff attorney for the District Courts. I'm
11 here today on a motion to quash for Judge Pratt.

12 A It's good to meet you.

13 Q Nice to meet you, too. My question is, do you
14 have any knowledge of how the 311th Court worked in
15 Causes 2013-54068, 2013-54068 -- I just said that one --
16 2009-65182, 2001-69848 -- they're the eight you've been
17 subpoenaed in, sir -- 2012-70085, 2013-63489,
18 2013-64273, 2013-20993 and 2012-56777?

19 A I don't know anything about those cases and I
20 don't know how the Court handles those cases.

21 Q And so you don't know any -- you would not be
22 able to tell this Court anything regarding Judge Pratt's
23 behavior in any of these cases, would you?

24 A I would not.

25 Q Thank you.

1 THE COURT: Mr. Travers?

2 MR. TRAVERS: Just a couple of quick
3 questions, Your Honor.

4 THE COURT: Sure.

5 **CROSS-EXAMINATION**

6 Q (BY MR. TRAVERS) Mr. Enos, you are licensed
7 to practice law in the State of Texas?

8 A I am currently.

9 Q How long have you been so licensed?

10 A 27 years.

11 Q Do you hold any special certifications issued
12 by the Texas Board of Legal Specialization?

13 A I'm board certified in family law.

14 MR. TRAVERS: Pass the witness, Your
15 Honor.

16 MR. WALDROP: Nothing further, Your
17 Honor.

18 THE COURT: Anybody else?

19 Thank you, Mr. Enos. You are excused for
20 the duration of this hearing.

21 MR. ENOS: Thank you, Judge.

22 THE COURT: Okay. Well, we're going to
23 take up the motion to quash.

24 MS. TEACHEY: Thank you, sir.

25 THE COURT: Can I look at your motion? I

1 don't think I've got a hard copy.

2 MS. TEACHEY: Yes, sir. They're all the
3 same motion for all eight causes.

4 MR. BROWN: May I address the Court?

5 Because of the threshold question we have to meet, I ask
6 you to take up the motion to quash on Judge Pratt after
7 we've taken it up on the District Attorney's Office and
8 the District Clerk's Office and on Ms. Epps, because the
9 threshold question --

10 THE COURT: Do you have motions to quash
11 on all them?

12 MR. BROWN: There's a bunch of them back
13 there, yes, sir.

14 MS. VINSON: Good morning, Your Honor.
15 I'm here on behalf of the Harris County Attorney's
16 Office. I filed a motion to quash and grant a
17 protective order for the District Clerk, Chris Daniel.

18 MS. TEACHEY: Judge, my concern in this
19 is that, as I stated earlier, I am here for the limited
20 purpose of the motion to quash. I can't be here and
21 argue for Judge Pratt if we get into too many facts
22 about the case on the recusal.

23 THE COURT: No, why don't we go ahead and
24 take up this motion.

25 MS. TEACHEY: Thank you.

1 THE COURT: Okay. What she says is
2 almost the gospel truth from way back, right, in the
3 motion to quash?

4 MR. BROWN: No.

5 THE COURT: Well, I mean, the law she
6 cited, it's my understanding of it from way back.

7 MR. BROWN: Well, since 1941, yes, sir.

8 MS. TEACHEY: Judge, I didn't cite any
9 1941 cases.

10 THE COURT: Okay. I'm not asking you to
11 agree with me. What are you going to try to prove to
12 Judge Pratt that you can't get from other means?

13 MR. BROWN: I have to ask these three
14 lawyers questions in front of you to prove that to you.
15 we have subpoenaed --

16 THE COURT: Well, if you can get the
17 information from those three lawyers, then why do we
18 need Judge Pratt?

19 MR. BROWN: Well, they're here with
20 motions for protection themselves.

21 THE COURT: I'm not going to argue with
22 this. The motion to quash is granted.

23 MR. BROWN: May I make a record?

24 THE COURT: Yes.

25 MS. TEACHEY: Judge, may I clarify that?

1 Is that in all eight cases that it's been granted?

2 THE COURT: Yes, all eight.

3 MR. BROWN: May I make a record?

4 THE COURT REPORTER: One at a time,
5 please.

6 THE COURT: Go ahead.

7 MR. BROWN: Yes, sir. We have subpoenaed
8 from the District Attorney's Office the documents that
9 they received from the District Clerk's Office that we
10 think show the backdating of the documents. The
11 District Attorney's Office has filed a motion for
12 protection and has refused to give us any documents that
13 would allow us to prove the scheme of backdating in the
14 311th.

15 We have subpoenaed from the District
16 Clerk's Office, and with counsel here to quash that, the
17 same information, the file that would allow us to
18 demonstrate to this Court and put in this record that
19 the backdating was indeed occurring. They have filed a
20 motion to quash that and intend not to give us documents
21 to make the record show this.

22 Additionally, the clerk who was working
23 in the 311th at the time that most of these situations
24 occurred is Marilyn Epps. She is here with her
25 attorney.

1 THE COURT: I understand that she's not
2 going to -- she's going to take the Fifth Amendment, so
3 what good is that going to do?

4 MR. BROWN: Well, under Texas law, if you
5 take the Fifth, the trier of fact is able to make a
6 reasonable inference. But what it does, I have come up
7 with the three other places, the three other witnesses,
8 the three other entities that I could get evidence from
9 to show indeed a backdating scheme of documents on
10 behalf of Judge Pratt. Every one of them has filed a
11 motion to quash or is going to take the Fifth Amendment.
12 There is no other place to look other than Judge Denise
13 Pratt, Judge of the 311th Judicial District Court of
14 Houston, Harris County, Texas.

15 THE COURT: Well, I've got to go back. I
16 keep going back, and I haven't got a satisfactory answer
17 yet. Let's assume that she does everything that he said
18 and that you say, what has she done that would cause her
19 to be recused? I mean, what specific act is prohibited
20 either by the Penal Code, as you stated, and I haven't
21 looked at that yet, or by Rule 18(a), what specific act
22 has she done that would cause a recusal, assuming that
23 all these other things are true?

24 MR. BROWN: Well, if indeed there is a
25 backdating of documents in a manner that affects the

1 rights of parties to appeal her ruling, or the lack,
2 that is a felony in the State of Texas, under Texas
3 Penal Code, Section 37.10, tampering with governmental
4 record. 37.10, Subsection (a): A person commits an
5 offense if he knowingly makes a false entry in, or false
6 alteration of, a governmental record; makes, presents or
7 uses a governmental record with knowledge of its
8 falsity.

9 Now, the problem with that, as the Court
10 recalls, a divorce lawyer, a divorce judge signed a
11 judgment and then their timetable starts --

12 THE COURT: I understand all that. Tell
13 me something I don't know. Tell me why -- I mean, tell
14 me something I don't know. What did she do in violation
15 of 18(a)?

16 MR. BROWN: Here's what I have to do.

17 THE COURT: I'm not going to get it, am
18 I? You're not going to tell me, are you?

19 MR. BROWN: Yes, I am.

20 THE COURT: Well, do it then.

21 MR. BROWN: She backdated documents. She
22 backdated documents, but, Judge, please --

23 THE COURT: Under Rule 18(a), you know
24 what that does to cause her to be recused. Apparently
25 she's going to have criminal problems.

1 MR. BROWN: I just want to make a record.

2 THE COURT: That may solve this whole
3 thing. I don't know.

4 MR. BROWN: Judge, I'm not arguing with
5 you. I just want to make a record. We're told by the
6 Courts that we can call a judge. We're told by the
7 Courts that we have to --

8 THE COURT: Wait a minute. I just ruled
9 on that, so that's not going to happen.

10 MR. BROWN: But I want to make a record
11 in case someone decides to, as fruitless as it may be,
12 file an appeal. We're allowed to make a record. That's
13 why we're having this hearing.

14 THE COURT: Okay. So what is -- I mean,
15 an argument is not really a record.

16 MR. BROWN: No, sir. I'm willing to take
17 testimony from the --

18 THE COURT: Not from the Judge. I
19 already ruled on that. Now, you can bring these others
20 up and we'll --

21 MR. BROWN: But I do want to take
22 testimony from the Judge.

23 THE COURT: Well, I've already ruled on
24 that, and you're not going to.

25 MR. BROWN: Yes, sir, but if you hear

1 this evidence --

2 THE COURT: Have a seat, because I'm not
3 going to argue with you anyway. I already ruled on
4 that.

5 MR. BROWN: May I finish making my offer
6 of proof to the appellate court?

7 THE COURT: You're not arguing proof.
8 You're arguing arguments.

9 MR. BROWN: No, I'm going to call these
10 people and make my --

11 THE COURT: Well, you can do that after
12 she leaves.

13 MR. BROWN: Okay. Thank you, Judge.

14 MS. TEACHEY: Judge, may I submit -- I
15 don't have it with me -- but a small order that says
16 this was granted later this afternoon?

17 THE COURT: Sure.

18 MS. TEACHEY: Thank you so much. May I
19 be excused?

20 THE COURT: Yes.

21 Do you want to do Ms. Epps next?

22 MR. WALDROP: Yes, Your Honor.

23 MR. BROWN: No objection.

24 May I proceed, sir?

25 THE COURT: I've got to give her the oath

1 first.

2 MR. BROWN: I'm sorry. I thought
3 everybody was under oath.

4 THE COURT: I don't think I did everybody
5 here under oath.

6 MR. BROWN: I see three, four other
7 witnesses here. Might this be a good time to do that?

8 THE COURT: If you don't mind, I'll kind
9 of take it as I go.

10 MR. BROWN: Absolutely. No problem with
11 that.

12 (Witness sworn)

13 THE COURT: Now, somebody has got a
14 question and --

15 Go ahead, *sir*.

16 **MARILYN EPPS,**
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 Q (BY MR. BROWN) State your name for the record,
20 please.

21 A Marilyn Renee Epps.

22 Q How are you employed?

23 MR. WARD: Pardon me. She will assert
24 her Fifth Amendment privilege, Your Honor.

25 THE COURT: Okay. There's an objection

1 to it. She's going to assert her Fifth Amendment
2 privilege. We've got that on the record. Are you going
3 to go through all these questions?

4 MR. BROWN: Yes, sir. If it please the
5 Court, I am.

6 THE COURT: Well, I'm trying to figure
7 out, you know, what good that does. You say I can make
8 a...

9 MR. BROWN: Reasonable inference.

10 THE COURT: Huh?

11 MR. BROWN: A reasonable inference.

12 THE COURT: Isn't that the same as having
13 her testify against herself?

14 MR. BROWN: Not on the civil side it's
15 not. The First Court of Appeals has made that
16 explicitly clear. On the criminal side it is. On the
17 civil side, a civil court -- a family court may make a
18 reasonable inference from the taking of the Fifth
19 Amendment by someone's testifying.

20 THE COURT: Okay. Would that be an
21 inference against her or against Judge Pratt?

22 MR. BROWN: Both.

23 THE COURT: I don't see how it would be
24 an inference against Judge Pratt.

25 MR. BROWN: May I approach the Court

1 because I'm having trouble hearing.

2 THE COURT: Is this on?

3 MR. BROWN: Yeah, but I don't hear real
4 well. I'm not coming up here to argue. I just want to
5 hear what you're saying.

6 MR. WARD: If I can make a suggestion.
7 Maybe he submits his questions as a proffer and Ms. Epps
8 is going to assert her fifth Amendment privilege to
9 every one of those to save time for everybody.

10 THE COURT: That's fine. Let's do it
11 that way.

12 MR. BROWN: Of course we haven't typed
13 that up because no one suggested that before we got here
14 today.

15 THE COURT: I know. So now is the proper
16 way, I sustain? I mean, if I sustain or overrule,
17 right? I don't know what the other way is. Sometimes
18 they're granted. Only when you have an objection, it is
19 sustained, granted, overruled. So what is the proper
20 deal for somebody who is asserting their Fifth Amendment
21 right?

22 MR. WARD: Judge, my suggestion is that
23 if the Court recognizes that Ms. Epps --

24 THE COURT: I'm sorry?

25 MR. WARD: My suggestion is that if you

1 see that Ms. Epps asserts her Fifth Amendment privilege,
2 you recognize that and you order her or order her not to
3 answer any more questions on her Fifth Amendment
4 privileges she's clearly asserted.

5 MR. BROWN: May I address the Court?

6 THE COURT: Sure.

7 MR. BROWN: You're not making an
8 objection. Counsel, we don't make objections.

9 THE COURT: That's what I was trying to
10 figure out.

11 MR. BROWN: Clients assert a Fifth
12 Amendment privilege.

13 THE COURT: And then we've got a response
14 maybe.

15 MR. BROWN: How interesting. You may
16 make a reasonable inference from it, you may not. You
17 are the trier of fact and the trier of law in this case,
18 so as you listen to her take the Fifth on specific
19 questions, you make whatever you make of it because you
20 are the trier of fact.

21 THE COURT: You ask the questions, he
22 makes these assertions on Fifth Amendment rights and
23 I'll just keep my mouth shut.

24 MR. BROWN: No objection.

25 THE COURT: Okay.

1 MR. BROWN: Well, no. I didn't -- I
2 mean, I hope you didn't misinterpret that.

3 THE COURT: No.

4 MR. WARD: I was under the impression we
5 were going to do a proffer of the questions and she
6 asserts her Fifth Amendment to every one of those to
7 save everybody time.

8 THE COURT: Right.

9 MR. BROWN: Well, I'll do it right now.

10 THE COURT: That's my understanding.

11 Okay, Mr. Brown.

12 Q (BY MR. BROWN CONT'D) Ma'am, would you state
13 your name?

14 A Marilyn Renee Epps.

15 Q Ma'am, how are you employed?

16 MR. WARD: Your Honor, Ms. Epps asserts
17 her Fifth Amendment privilege.

18 Q (BY MR. BROWN) Ma'am, have you ever been an
19 assistant district clerk in Harris County, Texas?

20 MR. WARD: Your Honor, Ms. Epps asserts
21 her Fifth Amendment privilege.

22 Q (BY MR. BROWN) Ma'am, in that capacity have
23 you ever been assigned to the 311th Judicial District
24 Court as a --

25 MR. WARD: Your Honor --

1 THE COURT REPORTER: Can you let him
2 finish?

3 Q (BY MR. BROWN) Ma'am, during -- have you ever
4 been assigned as a deputy district clerk for Harris
5 County, the 311th Judicial District Court of Houston,
6 Harris County, Texas?

7 MR. WARD: Your Honor, Ms. Epps asserts
8 her Fifth Amendment privilege.

9 Q (BY MR. BROWN) Did you ever work in the
10 Court, the 311th Judicial District Court, when Judge
11 Denise Pratt was the sitting judge of that court?

12 MR. WARD: Your Honor, Ms. Epps asserts
13 her Fifth Amendment privilege.

14 Q (BY MR. BROWN) In the performing of the
15 duties of a district clerk assigned to a family court,
16 is the docketing of documents that are final important?

17 MR. WARD: Your Honor, Ms. Epps asserts
18 her Fifth Amendment privilege.

19 Q (BY MR. BROWN) When a document is filed in a
20 district court in front of a clerk, do you put a file
21 stamp on it?

22 MR. WARD: Your Honor, Ms. Epps asserts
23 her Fifth Amendment privilege.

24 Q (BY MR. BROWN) And does that file stamp show
25 the date and approximate time of the filing of the

1 document?

2 MR. WARD: Your Honor, Ms. Epps asserts
3 her Fifth Amendment privilege.

4 Q (BY MR. BROWN) Is a docket sheet a piece of
5 paper that the Judge or someone assigned by her to sit
6 for her makes entries on that show what occurred in the
7 court?

8 MR. WARD: Your Honor, Ms. Epps asserts
9 her Fifth Amendment privilege.

10 Q (BY MR. BROWN) In the course of business of
11 an assistant district clerk in a Harris County family
12 court, is it the job of the clerk to keep track and
13 possession of the docket sheets?

14 MR. WARD: Your Honor, Ms. Epps asserts
15 her Fifth Amendment privilege.

16 Q (BY MR. BROWN) Has Judge Denise Pratt ever
17 instructed you to place a date on a document that was
18 not the date that you placed on the document? By that,
19 I mean -- strike that.

20 MR. BROWN: May I ask the question over?
21 That's a bad question. Sustained. I'll do it over
22 again.

23 Q (BY MR. BROWN) Ma'am, has Judge Pratt ever
24 asked you to put a date on a document that was different
25 from the date that you were asked to put it on a

1 document?

2 MR. WARD: Your Honor, Ms. Epps asserts
3 her Fifth Amendment privilege.

4 Q (BY MR. BROWN) Are you familiar -- excuse me.
5 Were you district clerk assigned to the 311th Judicial
6 District Clerk -- excuse me -- assigned to the 311th
7 Judicial District Court when the matter of Skeele vs.
8 Skeele was pending?

9 MR. WARD: Your Honor, Ms. Epps asserts
10 her Fifth Amendment privilege.

11 Q (BY MR. BROWN) Did you backdate any documents
12 on the Skeele matter?

13 MR. WARD: Your Honor, Ms. Epps asserts
14 her Fifth Amendment privilege.

15 Q (BY MR. BROWN) By backdate, I mean place a
16 date on the document that reflects that something
17 occurred that did not actually occur on that day?

18 MR. WARD: Your Honor, Ms. Epps asserts
19 her Fifth Amendment privilege.

20 Q (BY MR. BROWN) Did you ever backdate any
21 documents in the Domangue, D-o-m-a-n-g-u-e, Krause case,
22 Cause No. 2013-63489?

23 MR. WARD: Your Honor, Ms. Epps asserts
24 her Fifth Amendment privilege.

25 Q (BY MR. BROWN) Do you know if any other clerk

1 backdated documents in that case?

2 MR. WARD: Your Honor, Ms. Epps asserts
3 her Fifth Amendment privilege.

4 Q (BY MR. BROWN) Do you know if Judge Denise
5 Pratt directed any other clerk to backdate documents in
6 that case?

7 MR. WARD: Your Honor, Ms. Epps asserts
8 her Fifth Amendment privilege.

9 Q (BY MR. BROWN) Back to the Skeele case for
10 just a moment. Do you know whether or not any other
11 district clerk backdated documents in that case?

12 MR. WARD: Your Honor, Ms. Epps asserts
13 her Fifth Amendment privilege.

14 Q And do you know whether or not Judge Pratt
15 instructed any clerk to backdate documents in that case?

16 MR. WARD: Your Honor, Ms. Epps asserts
17 her Fifth Amendment privilege.

18 Q (BY MR. BROWN) Now, I asked you about six
19 different cases: Cause No. 2012-13293, in the matter of
20 the marriage of Hollas; Cause No. 2011-69848, in the
21 matter of the marriage of Abrego; Cause No. 2009-65182,
22 in the interest of the Myles children; Cause No.
23 2013-54068, in the matter of the marriage of Nebo; and
24 Cause No. 2005-41978, in the interest of the Reddick
25 children. Did you backdate any documents in those

1 cases?

2 MR. WARD: Your Honor, Ms. Epps asserts
3 her Fifth Amendment privilege.

4 Q (BY MR. BROWN) By that, I mean, did you put a
5 date on the document that something occurred on a given
6 date when it did not occur on that date?

7 MR. WARD: Your Honor, Ms. Epps asserts
8 her Fifth Amendment privilege.

9 Q (BY MR. BROWN) Do you know if any other
10 assistant district clerk for Harris County assigned to
11 the 311th backdated documents under that definition?

12 MR. WARD: Your Honor, Ms. Epps asserts
13 her Fifth Amendment privilege.

14 Q (BY MR. BROWN) Do you know whether Judge
15 Denise Pratt instructed any assistant district clerk to
16 backdate documents in those cases?

17 MR. WARD: Your Honor, Ms. Epps asserts
18 her Fifth Amendment privilege.

19 Q (BY MR. BROWN) Ms. Epps, you were in the
20 courtroom a while ago when Greg Enos testified, were you
21 not?

22 MR. WARD: She asserts her Fifth
23 Amendment privilege, Your Honor.

24 Q (BY MR. BROWN) The cases that he testified
25 about, to your knowledge, did you backdate any

1 documents?

2 MR. WARD: Ms. Epps asserts her Fifth
3 Amendment privilege, Your Honor.

4 Q (BY MR. BROWN) To your knowledge, did the
5 Judge instruct any other assistant district clerk to
6 backdate documents in those cases?

7 MR. WARD: Ms. Epps asserts her Fifth
8 Amendment privilege, Your Honor.

9 Q (BY MR. BROWN) Now, ma'am, have you been
10 granted immunity by the Harris County District
11 Attorney's Office with respect to the possible
12 prosecution of Judge Denise Pratt?

13 MR. WARD: Your Honor, she asserts her
14 Fifth Amendment privilege.

15 MR. BROWN: If it please the Court, may I
16 argue that point of law? If she has -- if she's been
17 granted immunity, there is no way that the fact that she
18 has been granted immunity can tend to incriminate her.

19 THE COURT: I have no idea what immunity
20 she may have been granted. It may have been for one
21 case, a dozen.

22 MR. BROWN: And that's why I'm asking.

23 THE COURT: You can ask whatever you want
24 to, but --

25 MR. BROWN: Thank you, sir.

1 Q (BY MR. BROWN) My question, Ms. Epps, have you
2 been granted immunity by the Harris County District
3 Attorney's Office on any matter having to do with you
4 being an assistant district Harris County clerk serving
5 in the 311th?

6 MR. WARD: Your Honor, she asserts her
7 Fifth Amendment privilege. She could be charged with
8 anything.

9 THE COURT: I will not compel her to
10 testify about that.

11 MR. BROWN: I'm sorry, I didn't hear what
12 you said.

13 THE COURT: I won't compel her to
14 testify. If the DA did it, they're over there. I mean,
15 they're right in this building.

16 MR. BROWN: That's fine, Judge. I just
17 didn't hear you.

18 THE COURT: Okay.

19 MR. BROWN: I'm not arguing with you.

20 THE COURT: Well, I'm sorry, I can't
21 hear, I can't talk, I'm deaf. Is this on?

22 MR. BROWN: Well, I'm sorry, I'm deaf. I
23 woke up and I'm 63 years old, my hair's turning gray and
24 I can't hear anything anymore.

25 THE COURT: Well, I'm trying the best I

1 can.

2 MR. BROWN: And you don't mind me coming
3 up to hear, do you?

4 THE COURT: Oh, no.

5 MR. BROWN: Thank you. Pass the witness.

6 MR. TRAVERS: No questions.

7 THE COURT: Let's see, do we got anybody
8 else in here?

9 Mr. Clark, are you involved in this
10 proceeding?

11 MR. BROWN: He's a witness.

12 MR. CLARK: Just like Mr. Enos, Judge,
13 I'm subpoenaed on all eight cases. I'll be happy to
14 knock my testimony out this morning so I don't have to
15 come back later either.

16 THE COURT: Okay.

17 MR. WARD: May she be excused, Your
18 Honor?

19 THE COURT: Yes. Thank you for coming
20 in, Ms. Epps.

21 Okay, we've got another motion to quash?

22 MR. BROWN: Yes, sir, two more.

23 THE COURT: Okay. Which one will you
24 have next?

25 MS. VINSON: Good morning, Your Honor.

1 I'm here on behalf of Chris Daniel, the District Clerk.
2 I filed eight motions to quash as well. He was
3 subpoenaed on eight different cases to produce documents
4 and to provide testimony. We're asking that you quash
5 those subpoenas and grant the protective order on
6 Mr. Daniel's behalf.

7 THE COURT: I think we're going about
8 this backwards. I don't know if his testimony is
9 necessary or what you plan to prove by him is relevant
10 to -- I keep going back to Rule 18(a). I haven't seen
11 anything yet that would indicate that you proved up any
12 reason for recusal. There may be some reasons, but you
13 haven't done it yet.

14 MR. BROWN: Yes, sir, because you haven't
15 compelled these people to bring us the documents that we
16 ask. Were the documents tendered -- these are public
17 records. These are public records kept by the District
18 Clerk's Office. We've been trying to -- if they are
19 tendered, then we will use that to prove the grounds for
20 recusal.

21 THE COURT: Wait a minute. What's in
22 them that would cause a recusal?

23 MR. BROWN: I don't know. It is my
24 belief, on information and belief, there are handwritten
25 notes from Judge Pratt to clerks, telling them to

1 backdate documents. On information and belief from what
2 I've heard from other lawyers, there is the timeline
3 demonstrated in numerous cases where, because of Judge
4 Pratt's actions, people have learned of entries of
5 decrees at a point in time after the 30 days had run for
6 the filing of the motion.

7 THE COURT: Okay.

8 MR. BROWN: It further shows --

9 THE COURT: Wait a minute. I'm just
10 going to ask one more question.

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: Are any of those to do with
13 these cases on today's docket or any on tomorrow's
14 docket?

15 MR. BROWN: Yes, sir.

16 THE COURT: You think there's some things
17 by Judge Pratt in those files --

18 MR. BROWN: Yes, sir, on the first four.

19 THE COURT: -- that would say -- that
20 would cause her to be recused?

21 MR. BROWN: Yes, sir.

22 THE COURT: What do you think's in them?

23 MR. BROWN: Exactly what I've said.

24 THE COURT: You're guessing.

25 MR. BROWN: No, sir, I'm not. You're

1 going to have direct testimony --

2 THE COURT: Well, what's in them then?
3 If you're not guessing, what's in them?

4 MR. BROWN: May I finish a sentence? I'm
5 sorry, sir.

6 THE COURT: I'm sorry. Go ahead.

7 MR. BROWN: What is in them, on the four
8 that we're talking about here, are documents on the
9 first four cases that Mr. Waldrop was involved with and
10 they will show the backdating of documents. They will
11 further show the bias against he and his clients because
12 he, like Mr. Enos, had to seek redress at the appellate
13 courts. He had to file a motion for contempt and a
14 motion to compel against Judge Pratt. I think it was in
15 the 1st or 14th, I forget. But at any rate, they -- the
16 Courts sent back specific orders for Judge Pratt to do
17 something. Those records will be shown in the records
18 of the Court.

19 Additionally, you will see time frames
20 that shortly thereafter adverse rulings came that no
21 judge would have made. You will see, if we got the
22 documents that we subpoenaed, that there is a course of
23 conduct on behalf of Judge Pratt that shows bias towards
24 the lawyers who have filed actions against her or
25 grievances against her in the Court of Appeals.

1 If I had those documents, I could show
2 you. I have them on four of them, but I want to show a
3 continuing course of conduct as 406 of the Texas Rules
4 of Evidence allows us to do. And, besides, they're
5 public documents.

6 THE COURT: They're what?

7 MR. BROWN: They're public documents.

8 THE COURT: Well, why doesn't somebody
9 bring them over here? He doesn't have to come, but
10 somebody who knows what they're saying, right? I mean,
11 this is really important to the balance of lives of a
12 lot of people, and I know that the District Clerk didn't
13 want to go come over here himself, but is there somebody
14 that can bring those documents over here? Are they
15 specific enough or do they just apply to these cases?

16 MR. WALDROP: These cases, Your Honor.

17 THE COURT: Can somebody bring them over?
18 He doesn't have to come.

19 MS. VINSON: And, Judge, you do have the
20 duces tecum as part of my motion. The problem is,
21 they're not related to these cases. What they're
22 related to, Your Honor, are to the criminal
23 investigation involving the Judge, which makes the
24 documents confidential and privileged. They don't even
25 mention these particular cases in their duces tecum, so

1 they're requesting information that is, as I stated,
2 privileged and confidential, and testimony about that --

3 THE COURT: We're only talking about
4 these cases.

5 MR. BROWN: That's fine. Those are the
6 ones that were tendered to the District Attorney's
7 Office. But the District Clerk can't hide a document by
8 giving it to the District Attorney's Office. All I want
9 are these cases.

10 THE COURT: Can you get these cases?

11 MS. VINSON: Judge, I'm happy to talk to
12 Mr. Brown and see what documents we can agree to hand
13 over regarding these cases. The way his subpoena reads
14 is all the information that Mr. Daniel turned over to
15 the District Attorney's Office pursuant to a grand jury
16 subpoena, which makes them confidential.

17 THE COURT: Right. Okay.

18 MR. BROWN: I'm not asking what went to
19 the grand jury. I just want the public documents.

20 THE COURT: You just want the ones that
21 pertain to the cases that we're going to hear, the
22 recusal motions?

23 MR. BROWN: Yes, and the cases that have
24 been testified to by Mr. -- what is his name --
25 Mr. Enos.

1 THE COURT: No, just the ones that
2 pertain to these cases. She's got some bias to these
3 lawyers -- this lawyer here. He's the lawyer in the
4 case, is he not?

5 MR. BROWN: That's correct, sir.

6 MR. WALDROP: Yes, sir.

7 THE COURT: I mean, you're not involved
8 in these cases except --

9 MR. BROWN: Thankfully, no.

10 THE COURT: Okay. So the ones that --
11 are you going to take the witness stand and tell me
12 why --

13 MR. WALDROP: I am, yes, sir.

14 THE COURT: So let's get that done or get
15 whatever you want to done, and we'll get back to you.
16 Do you have a place where we can call you?

17 MS. VINSON: Judge, if I can make a
18 recommendation. Can I ask that you grant my motions and
19 require that Petitioners' counsel file a new subpoena
20 specifically stating what documents? Because if you
21 read their subpoena now, again, Judge, it just goes to
22 these confidential and privileged documents. It's not
23 clear. So that we're all on the same page, give us a
24 new subpoena with a request for documents related to
25 these eight cases so that I can make the appropriate

1 responses.

2 THE COURT: Do you know what documents
3 you want out of these cases?

4 MR. BROWN: Yes.

5 THE COURT: Can you all write it down?

6 MR. BROWN: Right now on those cause
7 numbers.

8 THE COURT: Okay. And I'll give you
9 about ten minutes to do that.

10 MR. BROWN: You're not going anywhere,
11 are you? We're going to continue, right?

12 THE COURT: I'm going to let you write it
13 down and let her go get them while we do the rest of
14 this.

15 MR. BROWN: I understand that. Thank
16 you, sir.

17 They want to find out from the DA's
18 office now. Do you want to go ahead and do it now?

19 THE COURT: Okay. What's the DA got?

20 MR. DURFEE: Good morning, Judge. My
21 name is Scott Durfee. I'm the assistant general counsel
22 for the DA's office. We filed a motion to quash this
23 morning. The subpoena was directed to the chief of our
24 Public Integrity Division. Her name is Terese Buess.
25 Ms. Buess has been subpoenaed to appear and provide

1 testimony and also provide records.

2 What we would like to do is make a
3 representation to the Court, and it's reflected in the
4 motion to quash that we have, is that everything that's
5 being sought here, whether it's testimony or
6 evidentiary, relates to a pending criminal investigation
7 that Ms. Buess is heading up. It is not resolved at
8 this point and remains pending, and it would infringe
9 upon both the work product privileges of the District
10 Attorney's Office and it also would infringe upon issues
11 of grand jury secrecy and also law enforcement privilege
12 that's been recognized by the Texas Supreme Court.

13 MR. BROWN: And my response to that is,
14 that may be right. It's wrong. A district clerk ought
15 not to be able to give a document to the DA and keep
16 civil courts from getting copies of it. But that's what
17 he's maintaining, so that is yet another way that we
18 cannot gain the evidence that I could get from putting
19 Judge Pratt on the stand and asking questions of her.
20 And I ask you at this point in time, not to fight, but
21 to revisit that and reconsider it.

22 THE COURT: What?

23 MR. BROWN: That I would be allowed to
24 put Judge Pratt on, because there's no other way I could
25 get the information. Ms. Epps takes the Fifth. Mr.

1 Durfee shows up and says that for some reason the DA's
2 office doesn't have to give no evidence, and we can get
3 no other evidence except in a limited matter from the
4 District Clerk. I'm not trying to argue. I'm just
5 asking you to reconsider.

6 THE COURT: Well, the reconsideration
7 asking will be denied.

8 MR. BROWN: I'm shocked.

9 THE COURT: I don't see any reason why
10 the DA has to bring all their investigative materials
11 over, which is what it amounts to. If you've got
12 something else before we get through with this and I
13 think it's probably necessary to prove the rest of it
14 up, then we'll ask him to come back over to see what
15 they've got.

16 MR. BROWN: What I've asked for was not
17 the entirety of the file, I don't think.

18 MR. DURFEE: You did.

19 THE COURT: Sure you did.

20 MR. BROWN: Well, he did it. I didn't.
21 What we wanted to see basically was the handwritten
22 notes or emails from Judge Pratt that were obtained from
23 the District Clerk's Office. I heard your ruling. I'm
24 not going to argue. I just want to get it on the
25 record.

1 THE COURT: Okay. Your motion to quash
2 is granted.

3 MR. DURFEE: Thank you, Judge. We have a
4 proposed order with the clerk.

5 THE COURT: Okay. And so do you want to
6 talk to this lawyer from the DA, one of you, and see
7 what she can bring over here by agreement and then we'll
8 get on with the rest of it.

9 Is there anybody else in here on a motion
10 to quash?

11 MR. BROWN: What a pleasant surprise, no
12 one else.

13 THE COURT: I thought Mr. Clark did.

14 MR. CLARK: I don't have a motion, Judge.
15 I was just subpoenaed as a witness.

16 MR. WALDROP: Your Honor, we reached an
17 agreement on the eight cases on individual subpoenas. A
18 call has been made and the answer was?

19 MS. VINSON: I conferred with Mr. Daniel,
20 Your Honor, and he said there are no such emails. They
21 do not exist.

22 MR. WALDROP: And my question is, as to
23 these eight cases, you're telling the Court that there
24 are no notes whatsoever or no emails in existence or
25 that have been deleted?

1 MS. VINSON: No, that's not what I'm
2 telling the Court. I'm saying per our agreement of
3 producing documents that were not handed over to the
4 grand jury pursuant to their criminal investigation, no
5 emails are known to exist. They haven't asked for any
6 public documents. They're aware that they can get those
7 on the District Attorney's file. I would be happy to
8 help them if that was something they were looking for,
9 but what they want are notes and emails. We conferred
10 with Mr. Daniel and there is nothing that he has in his
11 possession that he hasn't handed over and that is
12 privileged under the law enforcement privilege.

13 MR. WALDROP: Got a record. Thank you,
14 Judge.

15 THE COURT: Okay. Is anything going to
16 be delivered pursuant to your agreement?

17 MS. VINSON: No, Judge.

18 THE COURT: Okay. Well, then I don't
19 have to worry about getting it into evidence or not.
20 Okay. Good enough. Thank you very much.

21 MS. VINSON: Judge, I'm asking you to
22 grant my motion. You've granted the motion of
23 protective order?

24 THE COURT: Well, you already got an
25 agreement, right?

1 MS. VINSON: Yes, sir.

2 THE COURT: That's as far as I'm going
3 with it.

4 MS. VINSON: Okay. Thank you, Judge.
5 May I be excused, Your Honor?

6 THE COURT: Sure.

7 Who else you got?

8 MR. BROWN: Matthew Waldrop, he is my
9 next witness. He has not been sworn.

10 (Witness sworn)

11 MR. BROWN: May I approach the witness?

12 THE COURT: Yes. Before we start, is
13 there any lawyer here that's going to be making
14 objections or cross-examination?

15 MR. TRAVERS: I am as it pertains to the
16 Nebo, N-e-b-o, case, but I don't think I'm going to have
17 much.

18 THE COURT: Okay. All right, sir.

19 Mr. Brown, you may start.

20 MR. BROWN: I have a book of exhibits.
21 Do you want a separate book for you to look at?

22 THE COURT: Oh, no. As soon as you get
23 done, I'll take a look at them. Are you going to put
24 the whole thing in evidence at one time?

25 MR. BROWN: No, sir. I am going to go

1 item by item.

2 THE COURT: Okay. Go ahead.

3 MR. BROWN: How will you know --

4 THE COURT: However you want to do it is
5 fine with me.

6 MR. BROWN: I just want to know how to go
7 about --

8 THE COURT: No, go ahead. Do it your
9 way. I don't have a problem with it.

10 MR. WALDROP: We can give you a binder,
11 Judge. We have an extra, since there are no objections,
12 I don't think.

13 THE COURT: Well, I mean, I'm just going
14 to look at it. It's going to be part of the record.

15 MR. BROWN: If it please the Court, I
16 offer marked Plaintiff's Exhibits 2 through 29 at this
17 point in time.

18 THE COURT: Okay. They are all admitted
19 without any objection.

20 MR. TRAVERS: No objection.

21 MR. BROWN: May I begin with my
22 interrogation? Was he sworn?

23 THE COURT: Yes, sir.
24
25

1 **WILLIAM MATTHEW WALDROP,**
2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 Q (BY MR. BROWN) State your name for the record,
5 please.

6 A William Matthew Waldrop.

7 Q What do you do for a living?

8 A I'm an attorney.

9 Q Do you have a primary area of practice?

10 A Yes, sir, I do.

11 Q What is that?

12 A Family law.

13 Q Now, before the Court, this morning and
14 tomorrow, are motions to recuse Judge Pratt on eight
15 different cases. Is that a true statement?

16 A That is true.

17 Q Who is lead counsel on all of those cases?

18 A I am.

19 Q The first case in order is the matter of
20 Roch-Skeele vs. Russell Skeele. Is that a true
21 statement?

22 A Yes, sir. I think the first case is Nebo.

23 Q Well, I'm looking at your order, excuse me,
24 your motion for recusal that was filed on November 6th,
25 '13.

1 MR. BROWN: May I approach the witness?

2 THE COURT: Yes, sir. You don't have to
3 ask again. Go about your business.

4 MR. BROWN: Okay. I don't want to get in
5 trouble. I don't have any bond money.

6 Q (BY MR. BROWN) Isn't the first one Skeele,
7 sir?

8 A It's Skeele, yes, sir.

9 Q Now, let's talk about that one. What was the
10 nature of that case?

11 A That is a divorce with four children.

12 Q What was your -- what part did you play in it?

13 A I represented the wife, Rochelle Skeele.

14 Q Now, prior to the time that Skeele occurred,
15 did you have a case in there styled Reddick?

16 A I did.

17 Q And is that a motion subject of this motion?

18 A It is not.

19 Q And why not?

20 A Because it's on appeal and -- well, it's on
21 appeal.

22 Q Okay. In the Reddick case, what type of case
23 was that?

24 A That was a child support modification. I
25 represented Troy Reddick to reduce his child support.

1 Q And who represented the other side?

2 A At trial it would be Mack Travers.

3 Q Is Mr. Travers sitting here with us?

4 A He is.

5 Q Was the case tried?

6 A The case was tried, yes, sir.

7 Q When was it tried?

8 A It was tried November 22nd, 2011.

9 Q What makes you think that?

10 A Because that's when I remember trying the
11 case.

12 Q Have you reviewed the docket sheet of the
13 Court?

14 A I have reviewed it many times, yes, sir.

15 Q And do we have a copy of that? We do right
16 there. If you would put it up there. It's a docket
17 sheet. There you go. And does the docket sheet reflect
18 indeed there was a trial on the day that you testified
19 to?

20 A The docket sheet does reflect there was a
21 trial on that date, yes.

22 Q And is it dated?

23 A It is dated November 22nd, 2011, at the top
24 left of the docket sheet.

25 Q When was judgment entered on that case?

1 A Judgment was entered allegedly on March 2nd on
2 the docket.

3 Q Was a decree signed at any point in time?

4 A A decree was signed at some point in time,
5 yes, sir.

6 Q What, if anything, happened on the 30th day of
7 October, 2013, relative to that case?

8 A The 30th of October, I believe that's when I
9 filed a motion -- I don't know that anything happened on
10 October 30th.

11 Q You and Mr. Travers tried Reddick?

12 A Yes, sir.

13 Q How long was it before you got a rendition?

14 A We tried it on November 22nd. It would have
15 been two-and-a-half months, roughly.

16 Q Well, you don't complain about that, do you?

17 A Well, I think any attorney would complain
18 about that.

19 Q Do you think somehow you getting held off that
20 period of time showed some bias against you?

21 A At that point I did not think that, no.

22 Q Did you think at that time it showed a lack of
23 impartiality towards you or anybody involved with the
24 Reddick case?

25 A At that point I did not.

1 Q Then what happened?

2 A After that time we received a docket sheet
3 that you had up previously and it set an entry date for
4 February.

5 Q February of 2000?

6 A 12 at this point.

7 Q Because the initial trial was 2011. Is that a
8 true statement?

9 A That is true.

10 Q Okay. Now we're in 2012?

11 A Correct.

12 Q What occurred next?

13 A The next would be the entry of the order, but
14 there was an entry hearing that we attended, and I think
15 that's the next slide.

16 Q Who prepared that order?

17 A I believe Mr. Travers prepared that order.

18 Q Was there an objection to its entry?

19 A We objected to the entry and we also filed a
20 motion for new trial and for reconsideration, which was
21 heard on March 2nd.

22 Q Is that date significant in some way?

23 A It's very significant, yes.

24 Q What's the significance of it?

25 A Because that would be the date -- normally a

1 judge would sign an order either denying the new trial
2 or granting it and it would begin to run the appellate
3 timeline. It would either be that date or shortly
4 thereafter, so that's why that date is significant. At
5 the hearing she told us we will take it under
6 advisement. That was her ruling.

7 Q And the hearing was on what date?

8 A March 2nd, 2012.

9 Q And she signed it on when?

10 A According to JIMS, she signed it on March 2nd,
11 but that was not on JIMS until some time until June.

12 Q Did you understand my question? Do you have a
13 docket that shows when she signed it?

14 A I do have that document.

15 Q And that's what I'm asking. When was it
16 signed?

17 A It is dated March 2nd.

18 Q When is the first time it appeared in the
19 records of the Court?

20 A In June of 2012.

21 Q After the June after March?

22 A That's correct.

23 Q Did you check the file of the Court?

24 A I did.

25 Q Why was it of interest to you?

1 A Because I was, after having filed a motion for
2 new trial, filing an appeal immediately. I needed an
3 order that I could appeal both the denial of the new
4 trial and -- it's not a decree, it was an order denying
5 his modification. And actually she did modify it very
6 slightly. But that's why I needed it, for appellate
7 timeline purposes.

8 Q For purposes of our record, can any lawyer
9 access JIMS?

10 A Yes.

11 Q And did you access it in this case?

12 A Yes.

13 Q How long after the trial of the lawsuit?

14 A After the trial of the lawsuit and the motion
15 for new trial hearing, it would be roughly a weekly
16 basis that we checked it as did my client.

17 Q And JIMS alleged that the order was entered
18 when?

19 A Alleged that the order was entered by
20 agreement of the parties, is what JIMS says, which is
21 not true, on March 2nd and that the motion for new trial
22 was denied on March 8th.

23 Q When was the motion for new trial heard?

24 A March 2nd.

25 Q When did the first document show the denial

1 appear in the Court's file, to your knowledge?

2 A To my knowledge, sometime in June.

3 Q When is the first time it appeared on JIMS?

4 A Same.

5 Q The same what?

6 A The same date, sometime in June.

7 Q Is it your testimony that, say, April 15th of
8 2012, that neither document showed to have been entered
9 by the Court on the JIMS system?

10 A That's correct.

11 Q And that it was checked at least weekly?

12 A At least weekly.

13 Q Did you inquire of the Court as to where these
14 documents might be?

15 A We did.

16 Q Who did you ask?

17 A I believe it was Kerry or whoever the clerk
18 was at the time.

19 Q Did you approach the Court and ask to see the
20 judgment?

21 A I did not approach the Court, no, sir.

22 Q Did you approach the head clerk?

23 A The head clerk at the time, yes, sir.

24 Q And what did she tell you?

25 A That there was no order, or she would look for

1 the file was the basic response, that we'll look for it.
2 She prefaced this by saying -- when you go into the
3 311th, it's very crowded and they're not at the time
4 likely just go run and grab a file for you.

5 Q Did she tell you the file was lost?

6 A She did not tell me the file was lost, no.

7 Q Now, what happened next in that case?

8 A What happened next was my client informed me
9 that new amounts of child support were being withheld
10 from his paycheck.

11 Q And when did that come about?

12 A That came about, I believe it was, sometime
13 between May 24th and June 10th. But I think May 24th is
14 when it started to come out, so he informed me of it
15 between that period and the order appearing.

16 Q Now, the order was allegedly entered when?

17 A Again, order, May 2nd -- or March 2nd and
18 denying new trial March 8th.

19 Q And so the order would have had an order for
20 the Court to take child support out and send to your
21 client?

22 A That's correct.

23 Q Or send to your client's former spouse?

24 A And his employer, correct.

25 Q And it was allegedly signed on March?

1 A March 2nd.

2 Q Was child support taken out for the month of
3 March?

4 A No, sir.

5 Q Taken out for the month of April?

6 A Not to my knowledge, no, sir.

7 Q Did you see any documentation that led you to
8 believe that indeed the judgment in the case had been
9 signed at the point in time that the JIMS system
10 alleged?

11 A No documentation, no.

12 Q Any documentation that led you to believe that
13 the motion for new trial had been overruled at the point
14 in time that the JIMS system evidenced?

15 A No.

16 Q What, if anything, happened next in this case?

17 A I immediately went and researched the file. I
18 went up to the Court, found out that the order had been
19 signed and had been dated both March 2nd and March 8th.
20 At that time I knew that I was well beyond my appellate
21 timeline but, nonetheless, filed a notice of appeal in
22 this case.

23 Q And did it go to the 1st or 14th?

24 A It went to the 1st, as it was after June, I
25 believe, when I filed my notice of appeal.

1 Q Well, if it was more than 30 days after the
2 entry of judgment, how were you allowed to file a
3 motion -- excuse me -- an appeal in the Court of
4 Appeals?

5 A I requested permission.

6 Q And of who, of what?

7 A Of the 1st Court of Appeals for an extension
8 of time to file notice of appeal.

9 Q Is that document one of our exhibits?

10 A It is.

11 Q And what exhibit is that?

12 A I don't have an index.

13 Q Never mind. And so what, almost 90 days after
14 the entry of judgment, the Court of Appeals allowed you
15 to file a late notice of appeal?

16 A That is correct.

17 Q That's what your testimony is?

18 A That is my testimony, yes, sir.

19 Q What, if anything, happened next at the Court
20 of Appeals?

21 A They granted my motion on July 18th.

22 Q Of 2000?

23 A 12.

24 Q Now, did you have any other cases pending in
25 the 311th at that time?

1 A At that time I did. I can't recall
2 specifically which ones they were.

3 Q Was Skeele one of them?

4 A At that time I do not think so.

5 Q What next happened in the Reddick case?

6 A I filed my appellate brief.

7 Q Approximately when?

8 A September 14th, 2012.

9 Q What happened next?

10 A The Court of Appeals issued -- appellee filed
11 their brief as well and then the Court of Appeals issued
12 an order titled Order of Abatement, and that order of
13 abatement was March 22nd, 2013.

14 Q Okay. You filed -- you had your pending
15 appeal?

16 A Correct.

17 Q Now, did you ask for a -- did you file a
18 request for findings of fact and conclusions of law at
19 any point in time prior to January 1st, 2013?

20 A Intentionally I did not.

21 Q Why?

22 A Because the whole basis of my appeal was that
23 there was zero evidence to support her decision.

24 Q Did Mr. Travers file?

25 A He did not file a findings of fact, to my

1 recollection, no, sir.

2 Q What happened early 2013 on the Reddick case?

3 A Early, meaning about March 22nd they issued
4 their order of abatement, the 1st Court of Appeals.

5 Q "They" meaning who?

6 A The 1st Court of Appeals.

7 Q And the 1st Court of Appeals abated what case?

8 A They abated the Reddick case at the appellate
9 level and ordered, in the last few paragraphs of page
10 one of that order, the 311th to issue findings of fact
11 and conclusions of law in compliance with the Iliff v.
12 Iliff case regarding underemployment.

13 Q And that Court's order is in evidence as
14 Exhibit 9 -- no, 6?

15 A That's correct.

16 Q And that order, 1 abated the lower court case?

17 A The appellate case, it abated that case.

18 Q Abated the lower court case?

19 A No, sir. It abated the appellate case and
20 ordered the lower court to do something.

21 Q Okay. And what did it order the lower court
22 to do?

23 A It says within 30 days of the date of this
24 order, to issue findings of fact in accordance with the
25 Iliff opinion, indicating whether or not it found Troy

1 Reddick to be intentionally underemployed --

2 Q And then what occurred?

3 A -- and any other findings.

4 Q Then what occurred?

5 A Really nothing, not within the 30 days.

6 Q Did the Court ever file findings of fact and
7 conclusions of law?

8 A Ever?

9 Q Yes.

10 A It did eventually, yes, sir.

11 Q When?

12 A After I had to file a motion to compel.

13 Q That's my next question. What circumstances
14 surrounding the Court finally filing a motion -- excuse
15 me -- filing findings of fact and conclusions of law?

16 A I filed a motion to compel and for contempt
17 against the 311th Court and Judge Denise Pratt.

18 Q Why did you do that?

19 A Because mandamus was not appropriate, since
20 they had already been ordered to do something.

21 Q At this point how long had the Reddick case
22 been pending?

23 A Since -- off the best of my recollection,
24 early 2011. My involvement, though, was October of
25 2011, something like that. Maybe earlier than that.

1 Q What, if anything, did the appellate court do
2 with reference to your motion, motion to compel and
3 motion for contempt?

4 A The appellate court gave them an additional 30
5 days.

6 Q Gave who an additional 30 days?

7 A Judge Pratt. And so she basically asked for
8 an entry date to enter findings of fact and conclusions
9 of law.

10 Q I'm sorry. Go ahead.

11 A So based on their order in response to my
12 motion to compel, she wanted to, I guess, enter or have
13 an entry date for findings of fact.

14 Q How do you know that is what she wanted?

15 A I think she called our office and set it for
16 like a Friday. She called on a Wednesday and set it for
17 a Friday-kind-of-thing.

18 Q The Judge personally or one of her minions?

19 A One of her minions, and I think spoke to my
20 paralegal.

21 Q Then what occurred in the Reddick case in the
22 311th?

23 A In the 311th, I filed objections to her
24 findings of fact and conclusions of law.

25 Q Based on what?

1 A Two things really. That there were no facts
2 that she could find, but, more importantly, that she had
3 dismissed the case while it was on appeal.

4 Q So you take the case up on appeal. The Court
5 of Appeals abates. How does the case get dismissed in
6 the 311th?

7 A I don't know, but I do have a dismissal order
8 with her signature on it.

9 Q At a point in time when it was on appeal?

10 A Definitely on appeal.

11 Q At a point in time when you had filed a motion
12 to compel and for contempt against her?

13 A I don't know if that was on file at the time.
14 I do know that -- I think the abatement was. Yeah, I
15 don't recall the time that she dismissed it.

16 Q What, if anything, was backdated in the
17 Reddick case in the 311th?

18 A The order was backdated. The denial for new
19 trial was backdated.

20 Q Why is that a big deal? Why do you care?

21 A It's a big deal because it affects my client's
22 appellate timeline, his rights on appeal. Had I not
23 been granted grace from the 1st Court of Appeals, he
24 would have no right of appeal. He would have nothing,
25 because we were watching the order and the new trial,

1 denial or the granting of, to see when we could file
2 this.

3 Q What is the Skeele case?

4 A The Skeele case is a divorce, four children.
5 I represent wife.

6 Q Is it one of the cases we have before Judge
7 Ritter today seeking a recusal?

8 A That's correct, it is.

9 Q And do you feel that the lower court, 311th,
10 Judge Pratt, has failed to be impartial to you and your
11 client in that case?

12 A Unequivocally so.

13 Q Do you feel that she has shown a personal bias
14 against your client through you?

15 A On this case, yes.

16 Q And what do you base that on, counsel?

17 A I base it on the fact that I filed a motion to
18 recuse, and subsequent to the filing of the motion to
19 recuse in this that we're here today for, an order
20 mysteriously appeared signed.

21 THE COURT: I'm sorry, I didn't
22 understand.

23 A An order mysteriously signed by Judge Pratt on
24 allegedly October 29th appeared after I had filed my
25 motion.

1 Q Was Skeele tried?

2 A Skeele was not tried. It was mediated.

3 Q By who?

4 A Allyson Brupbacher.

5 Q And was there a successful mediation?

6 A There was a successful mediation, yes, sir.

7 Q And did the -- was there a decree based on the
8 mediation prepared?

9 A Yes, there was a decree prepared, yes, sir,
10 and presented on October 30th.

11 Q I wasn't quite there yet, counsel. I'm sorry.
12 Did you sign the proposed decree?

13 A Yes, sir.

14 Q Did opposing counsel sign the proposed decree?

15 A Yes, sir.

16 Q And was it presented to the Court?

17 A Yes, sir.

18 Q On what date?

19 A October 30th.

20 Q Of what year?

21 A 2013.

22 Q This year?

23 A Yes, sir.

24 Q Two or three months ago?

25 A Yes, sir.

1 Q Was the case proved up?

2 A The case was proved up, yes, sir.

3 Q By prove up, what do you mean?

4 A Basically put on testimony of a witness saying
5 that it's fair and equitable and in the best interest of
6 the children.

7 Q For purposes of our appellate record, you
8 recite the things that have to be testified to to
9 support a decree of divorce?

10 A That's correct.

11 Q Did anybody object to that testimony?

12 A No one objected to the testimony.

13 Q Did anyone, to your knowledge, object to the
14 entry of the decree?

15 A Yes.

16 Q Who?

17 A The associate judge objected to the entry of
18 the decree and gave specific reasons.

19 Q Judge Newey?

20 A Yes, sir.

21 Q Why? What was wrong with your decree?

22 A He basically said that the Hague Convention
23 language in there, that Judge Pratt would not sign it
24 and that Court would not accept it.

25 THE COURT: What kind of language?

1 THE WITNESS: Hague Convention with
2 International Abduction.

3 Q (BY MR. BROWN) Is that language that the
4 Family Practice Manual has in its decrees?

5 A Correct.

6 Q So if one parent runs off with the child to a
7 Hague Convention country, it is much easier to return
8 the child to the United States?

9 A That is correct.

10 Q And Judge Newey objected to that?

11 A He said specifically he objected because Judge
12 Pratt would not sign it.

13 Q Well, judge of the court gets to do that,
14 right?

15 A Yes, sir.

16 Q Okay. Well, then what happened?

17 A After that we were given an entry date to
18 presumably go fix the decree and come back and have it
19 entered.

20 Q Now, the point in time we're talking about, is
21 that before or after Judge Pratt received orders from
22 the appellate court on your cases?

23 A Oh, that's definitely after.

24 Q How long after?

25 A The order of abatement was dated March 22nd,

1 and the second order giving her additional time, I don't
2 know when that is. I would have to look it up.

3 Q Was it in the early fall of 2013?

4 A It was in the early fall of 2013.

5 Q That was the order that she had to file and
6 prepare findings of fact and conclusions of law, right?

7 A That is correct.

8 Q Did her affect change toward you?

9 A Yes.

10 Q When she addressed you, was it different than
11 it had been, say, a year or so ago?

12 A Yes, in one particular case.

13 Q Which case was that?

14 A That's in the Abrego case.

15 Q Okay. We'll get there in a moment. Now, in
16 Skeele, it's S-k-e-e-l-e, right?

17 A Yes, sir.

18 Q You submitted the order, correct?

19 A That's correct.

20 Q And filed it?

21 A Yes, sir.

22 Q In November of 2013?

23 A We submitted the order October 30th during the
24 prove-up and it was rejected.

25 Q What, if anything, happened next?

1 A We were given an entry date.

2 Q By who?

3 A By the clerk, and I think that was going to
4 be -- we still had a trial date of 11-11-2013 and our
5 entry date is actually still showing on JIMS, believe it
6 or not, as --

7 Q Sir, would you give an entry date?

8 A Yes.

9 Q When?

10 A January 17th, 2014.

11 Q Thank you. Now, was the case set for trial?

12 A The case was set for trial, yes.

13 Q And the case was set for trial when?

14 A November 11th.

15 Q Of what year?

16 A 2013.

17 Q Was the case tried?

18 A The case was never tried.

19 Q Why? Did you settle it?

20 A We previously settled it, yes, sir.

21 Q Now, has a decree been entered at this point
22 in time?

23 A A decree has been entered, yes, sir.

24 Q Was that before or after you filed the motion
25 to recuse?

1 A I believe it was after.

2 Q What makes you think that?

3 A A couple things. Number one --

4 Q Tell us, please.

5 A Yes, sir. I received an email from Mary
6 Quinn, my opposing counsel, asking what to do about the
7 Hague Convention language and whether we should remove
8 it. The next day I filed a motion to recuse in these
9 eight cases. After that time, Mary Quinn spoke with
10 Bonnie in the 311th -- and I don't know a Bonnie --
11 asking about this case and what the status of the order
12 was.

13 Q Was an order actually signed?

14 A At that time I believe not.

15 Q What makes you think that, sir?

16 A Because it was not on JIMS and because we had
17 been rejected on October 30th by Judge Newey, and above
18 him, Judge Pratt.

19 Q Had you gone down and looked at the Court's
20 file?

21 A At that time I had not.

22 Q When did you begin researching the Court's
23 file?

24 A My office began on November 8th, and there's
25 an email, I think there, where she telephones the Court

1 and they inform us that we are off of the, I believe it
2 was the trial docket, the earlier trial docket.

3 Q The earlier trial docket being the November
4 trial docket?

5 A That's correct. And they told us that we are
6 off of the docket. We had an entry date, but no mention
7 of the order was ever given. So based on Mary Quinn
8 receiving a voicemail from Bonnie and then calling them
9 back in my own office, finding out that we're passed on
10 trial but no order entered, I concluded that no order
11 had been signed at that point. There's an additional
12 reason on the JIMS sheet as well.

13 Q Which is?

14 A The JIMS sheet shows -- if we could go back to
15 that.

16 Q Well, my final line of questions on this case,
17 is if we go to JIMS right now, is there a date that
18 shows it was signed and entered?

19 A I don't know that she actually put it in JIMS,
20 to be honest. I would have to look at the JIMS sheet.
21 But I do know that the status was passed, and the reason
22 was recusal, and I think that's what is reflected in the
23 timeline, but we are still set for trial in this case.

24 Q Why do you think that shows a bias against
25 you?

1 A Well, I think she backdated the order but did
2 not update it on JIMS.

3 Q Backdated what order?

4 A The final decree of divorce in this case.

5 Q That's what I'm asking. You got a final
6 decree of divorce in the case, right?

7 A I do.

8 Q And it shows what date?

9 A I believe it shows the October 31st, the day
10 after the prove-up.

11 Q We have a copy of it here, correct?

12 A Yes, sir.

13 Q It's in evidence in front of this Court,
14 correct?

15 A It is.

16 Q Do you believe it was signed on that date?

17 A Absolutely not.

18 Q Why not?

19 A For a couple of reasons. We had called the
20 Court -- first of all, we had been rejected by the Court
21 due to Hague Convention language. We called the Court,
22 asking about entry and the order and we're not told
23 about it. Opposing counsel called and left a message
24 and on November 9th finally got in touch with the Judge,
25 at which time she was told that the order was signed on

1 November 9th. And upon looking at it, it bears the date
2 of October 31st, which would be prior to my motion to
3 recuse.

4 Q How does that compromise your client?

5 A If she signs a motion while a motion to recuse
6 is pending, I don't believe it's a valid decree.

7 Q It's void, is that what our case law tells us?

8 A I believe so, yes, sir.

9 Q Let me ask you this. Was there another
10 situation where a decree was entered and you learned
11 about it after the point in time where there had been an
12 opportunity to appeal?

13 A I don't think as to a decree, no, sir.

14 Q Now, the Reddick case is still going on,
15 correct?

16 A Yes, sir, it is.

17 Q Still on appeal?

18 A Yes, sir. We filed supplemental briefs this
19 month -- I'm sorry -- last month, November.

20 Q Abrego?

21 A Yeah, Abrego.

22 Q Is cause number what? 2011-69848?

23 A Yes, sir.

24 Q What type of case was that?

25 A It was a divorce with one child.

1 Q And it was filed when?

2 A 2011. And it was paused, abated due to
3 bankruptcy for a time.

4 Q Was there a motion for emergency relief
5 seeking a stay of foreclosure filed?

6 A There was, yes, sir.

7 Q By who?

8 A By me.

9 Q And you represented who?

10 A The wife, Mary Abrego.

11 Q Now, these folks had a house that was in
12 foreclosure, correct?

13 A That is correct.

14 Q And they had received notice that it was going
15 to be posted and their house was going to be sold out
16 from under them?

17 A That's correct.

18 Q What, if anything, of a factual basis did that
19 have to do with you filing a motion for emergency
20 relief?

21 A As a factual basis, I needed relief because
22 originally it was going to be foreclosed in April and we
23 had a June 3rd trial date, so I needed emergency relief.
24 My client was able to negotiate with her mortgage lender
25 to push that date back, but that date was only pushed

1 back until June 4th, which happened to be the day after
2 trial. So we had a hearing again. It was passed, and
3 then we had a hearing on a motion for continuance and my
4 emergency motion were heard.

5 Q Now, in the middle of this trial timewise did
6 the 311th receive the appellate court's order of
7 abatement on the Reddick matter?

8 A Yes, sir, it did, March 22nd it received that
9 order.

10 Q What happened next in the Abrego matter?

11 A I think May 21st is when we had our hearing.
12 There were two of my motions. Opposing counsel had
13 served discovery upon me. That was untimely, so we
14 basically objected to it, and before she could file a
15 motion for continuance to stretch out the trial date --

16 Q "She" being the?

17 A Opposing counsel. We filed an objection to
18 the continuance, stating both our emergency relief and
19 that if you grant this continuance, the house will be
20 foreclosed on. That was also mentioned at the hearing.

21 Q Was there any testimony that contradicted
22 that?

23 A No, sir.

24 Q Was the continuance granted?

25 A The continuance was granted, yes, sir.

1 Q And the date for trial was set when relative
2 to the foreclosure date?

3 A It was set for sometime after it. The
4 foreclosure date was the date following the hearing.

5 Q Was all this made known to the Judge?

6 A It was made known to the Judge.

7 Q And between the parties, which party was most
8 compromised by that?

9 A Absolutely my client.

10 Q The one that you represented?

11 A Frankly, it would be the kid. It would be the
12 child would be the most compromised because he lost his
13 house.

14 Q Was the trial date set for June 4th and the
15 house was foreclosed on June 3rd?

16 A That's correct. June 4th was the foreclosure,
17 I believe, and then I know title transferred June 17th
18 at the trial.

19 Q This occurred how long after the Court
20 received the first correspondence from the appellate
21 court on the Reddick case?

22 A They received it in March, so it would be
23 April, May and June. About three months.

24 Q Was the Judge respectful to you when you were
25 trying this case?

1 A This particular case, absolutely not.

2 Q Tell us what her affect was with you.

3 A When we had our hearing on our objection to
4 the continuance and emergency motion, I was sitting in
5 the jury box closest to the Judge. The Judge was
6 calling her docket and called some case name I did not
7 recognize and turned to her clerk, who was on the left,
8 and said "Is this William Waldrop?" meaning me. The
9 clerk shakes her head and says "No." Teresa Waldrop,
10 who is a practicing family attorney, was in the
11 courtroom at the time and she stood up and took credit
12 for that case and said "Judge, that's my case," and
13 Judge Pratt proceeded with the docket call. Mine being
14 a 2011 case was way down the line and she eventually
15 called us. I answered for it, said "Yes, two motions,
16 objection to continuance and emergency motion for
17 relief." And then at the end of docket call she
18 immediately called my case and immediately denied it.

19 Q What's wrong with that? You get to go to the
20 front of the docket. That's a good thing, isn't it?

21 A It's a great thing unless you know you're
22 getting denied.

23 Q Montgomery case was filed 3-23 of '13, was it
24 not? Excuse me. Strike that. Tell us about the
25 Montgomery case.

1 A Property-only case. No children.
2 Substantial, you know, property case. We reached an
3 agreement.

4 Q When?

5 A The agreement was reached by letter with Rick
6 Ramos' firm on May 19th, 2013.

7 Q And that was before or after Judge Pratt
8 received the first correspondence on the Reddick case?

9 A About two months after.

10 Q Did you guys prove that case up, not the
11 Reddick case, the Montgomery case?

12 A We did, and there is a record that we provided
13 the Court today as well. That was proven on May 20th,
14 2013.

15 Q May 20th?

16 A Yes, sir.

17 Q Is that date of some significance?

18 A Only that it was after the letter of agreement
19 and that we went in and proved it up and that it was
20 pretty close --

21 Q Was the decree entered on the 20th?

22 A The decree was not entered on the 20th, no,
23 sir.

24 Q Was it entered on the 21st?

25 A It was not, no, sir.

1 Q What happened on June 27th, 2013?

2 A I filed my motion to compel the 311th Court
3 and Denise Pratt to comply with the order of the 1st
4 Court of Appeals.

5 Q Was the decree entered at anytime in the over
6 a month before you filed that motion with the appellate
7 court, was the decree entered in the Montgomery case?

8 A August 9th. Slightly over a month.

9 Q No. Listen to me. You proved it up on 5-20,
10 right?

11 A Yes, sir.

12 Q And you filed your contempt against Judge
13 Pratt on 6-23-13?

14 A That's correct.

15 Q From the period of time from 5-20 to 6-23-13,
16 was your decree entered?

17 A It was not entered.

18 Q Even though it was proven up?

19 A Yes, sir.

20 Q Had a decree been submitted?

21 A I don't know that it had been at that time.

22 Q How would she have entered a decree if you
23 hadn't presented it to her?

24 A Right. I don't think it was submitted at that
25 time.

1 Q Why not?

2 A There really were some issues with the clients
3 and the typing of the decree.

4 Q And who was on the other side?

5 A Rick Ramos.

6 Q On August 9th what occurred?

7 A She signed the decree.

8 Q Over objection?

9 A No, it was an agreed decree.

10 Q August 9th of this year?

11 A Yes, sir.

12 Q Is it your belief she signed it on August 9th?
13 Do you have any reason to doubt the decree, the date and
14 time on the decree?

15 A Other than, you know, every other order she
16 signed for me before was not particularly on that date.

17 Q Now, did any party in that case file a motion
18 for new trial?

19 A Yes.

20 Q Who?

21 A Mr. Ramos' ex-client, Mrs. Montgomery.

22 Q Now, the decree purports to be signed on
23 August 9th.

24 A That's correct.

25 Q What makes you think it was signed on

1 August 9th?

2 A The file stamp on it.

3 Q Is Judge Pratt's signature on it?

4 A Yes, sir.

5 Q Was Rick Ramos representing her, the lady,
6 when she filed a motion for new trial?

7 A No, sir.

8 Q What day was it filed?

9 A The motion for new trial was filed on
10 September 9th, 2013.

11 Q It was more or less 30 days after the
12 signing --

13 A August --

14 Q You got to let me finish my question, guy.

15 MR. BROWN: Excuse me, Judge.

16 THE COURT: It's not my problem. It's
17 the court reporter's.

18 Q (BY MR. BROWN) Was the motion for new trial
19 filed at that point in time after 30 days had run?

20 A Yes, sir.

21 Q Is that significant somehow in Texas
22 jurisprudence?

23 A Yes, it is.

24 Q How many days after the decree was filed --
25 signed by the Court was the motion for new trial filed?

1 A 31.

2 Q Well, it was filed on the 9th, August 9th.
3 Excuse me. The decree was signed on the 9th. The
4 motion for new trial was filed on the 13th, so that's
5 what, about 34 days?

6 A No, I think it's September 9th, and then 13 is
7 the year. So it would be 31 days.

8 Q Okay. Are you sure it wasn't filed on
9 September 13th? Look at the document.

10 A Yeah.

11 Q Was it filed out of time?

12 A It was filed out of time.

13 Q What, if anything, did the Court do relative
14 to the motion for new trial?

15 A The Court granted it.

16 Q Even though it was over 30 days?

17 A Even though it was over 30 days, yes.

18 Q Did you point that out to the Court?

19 A I believe so.

20 Q Do you have any idea why she would do that?

21 A I believe bias.

22 Q Now, Judge Pratt has been a family lawyer for
23 how long?

24 A I have no idea.

25 Q She's been a judge for how long?

1 A Probably two years sitting.

2 Q Can you think of any reason why she would have
3 granted that motion for new trial that was untimely
4 filed against you if she did not have some type of bias
5 against you?

6 A No reason whatsoever.

7 Q What do you think the basis of her bias
8 against you is?

9 A That I appealed her and filed a motion for
10 contempt and that I pointed out some backdating in my
11 objections to her findings of fact that I filed with her
12 court.

13 Q The backdating in the Reddick case?

14 A Correct.

15 Q Is that, to your knowledge, what the other
16 complaints that the other lawyers had filed criminal
17 actions against her or filed complaints against her?

18 A Numerous, yes, sir.

19 Q And is that what has -- do you know when that
20 was first brought to Judge Pratt's attention that there
21 were complaints about her backdating documents?

22 A I don't know the month, but I know it was in a
23 news letter.

24 Q That Enos published?

25 A Yes, sir.

1 Q Now, obviously how long have you practiced in
2 Harris County?

3 A 13 years this year.

4 Q And our family courts are cramped, are they
5 not?

6 A They are very cramped, yes, sir.

7 Q Do they have way more cases pending in them
8 than the civil courts do?

9 A Absolutely.

10 Q A lot more work in the family courthouse,
11 correct?

12 A Correct.

13 Q Now, is it your complaint that if a court
14 doesn't get around to signing an order for a day or two
15 that that somehow constitutes a wrong on the part of the
16 court that violates the Texas Penal Code?

17 A I don't think I understood your question.

18 Q Okay. If at the end of the day the clerk has
19 50 pages for the Judge to sign and they don't get signed
20 until the next day or if it's a Friday and they don't
21 get signed until Monday, is that what you're complaining
22 of?

23 A No, sir.

24 Q Why?

25 A Because that's customary sometimes.

1 Q And it makes no difference in a case, correct?

2 A That's correct.

3 Q But if a document is backdated 30, 40, 55
4 days, is there a potential for problems with our
5 clients?

6 A It completely curtails their right to appeal.
7 There is a problem, yes, sir.

8 Q Well, now, when you saw you were having this
9 problem with Judge Pratt, did you go up to her and say
10 "Judge, I've got opposing counsel here with me. May we
11 ask you about this" and try to see if you can get her
12 input on it?

13 A I did not, no, sir.

14 Q Why not?

15 A Well, I was dealing with an appeal at the
16 time, and to be frank, I did not really start
17 discovering this backdating until after I started
18 noticing or hearing about other attorneys having it. I
19 did mention it for the first time in my objections to
20 findings of fact, but at that time, because the case was
21 on appeal, that I already had that right exercised for
22 my client, so it wasn't a big deal.

23 Q Have you ever filed appeals against a judge
24 before in your -- how many years have you been
25 practicing?

1 A 13 years this year.

2 Q Appeal any other courts?

3 A I've never filed an appeal ever.

4 Q Ever filed a mandamus?

5 A No, sir.

6 Q What makes you think that in this particular
7 case Judge Pratt had a bias against you in filing an
8 appeal than any other judge would if you had filed an
9 appeal against them?

10 A Aside from her rulings, her demeanor in the
11 Abrego calling of the docket, her denial of -- well,
12 actually, her dismissing the Reddick case while it was
13 on appeal, I thought that was fairly extraordinary, and
14 really there would be no other reason than bias.

15 Q Now, you heard what Mr. Enos testified to
16 earlier?

17 A Yes, sir.

18 Q Do you see a pattern?

19 A Yes, I do.

20 Q In what way?

21 A I see a pattern in a few ways.

22 Q Well, tell us. That's what I asked you.

23 A The pattern is it seems like a lot of the
24 orders are not only backdated, but backdated on roughly
25 the same days. Like they're done in packs.

1 Q On more than one occasion?

2 A Yes.

3 Q Are you familiar with a case that Mr. Clark
4 was representing someone in the Judge's court?

5 A Fairly, based on the complaint.

6 Q Did anything occur in that case that is
7 corroborative of what your complaints are?

8 A The backdating of the orders.

9 Q So that's a yes?

10 A That's a yes.

11 Q Now, my next question was, if the answer is
12 yes, what part of it is corroborative?

13 A I would have to read the complaint.

14 MR. BROWN: I pass the witness.

15 MR. TRAVERS: May it please the Court?

16 THE COURT: Sure.

17 **CROSS-EXAMINATION**

18 Q (BY MR. TRAVERS) Mr. Waldrop, I believe you
19 identified my firm and me in particular as being your
20 opposing counsel in the Reddick, R-e-d-d-i-c-k, case; is
21 that correct?

22 A That is correct.

23 Q Neither I nor my firm were on the appeal; is
24 that right?

25 A That's also right.

1 Q And the last function in the trial court that
2 I or my firm was involved in was the hearing on your
3 motion for new trial; is that right?

4 A Yes, sir, that's correct.

5 Q And neither I nor my firm had any involvement
6 in the Reddick case after that?

7 A Right. But for a clean record, I think I did
8 send you my appellate brief, at which time you told me
9 you did not represent her.

10 Q That's correct, and then you gave notices out
11 of professional courtesy?

12 A That's correct.

13 Q And during the trial of the case did you
14 represent Mr. Troy, T-r-o-y, Reddick, either pro bono or
15 at a greatly reduced fee?

16 A I represented him for free, pro bono.

17 MR. TRAVERS: Pass the witness, Your
18 Honor.

19 MR. BROWN: Nothing further.

20 THE COURT: Anybody else? Anything else?
21 You may step down, sir.

22 MR. WALDROP: Thank you, Judge.

23 MR. BROWN: Call Robert Clark.

24 Approach the bench?

25 THE COURT: Sure.

1 MR. BROWN: Well, you told me not to ask
2 you anymore, didn't you? I'm sorry. We're not going to
3 be long with Mr. Clark. This will be my last witness.

4 THE COURT: Let me get you to take the
5 oath while everybody is here.

6 **ROBERT S. CLARK,**
7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 Q (BY MR. WALDROP) Would you please state your
10 name for the Court?

11 A My name is Robert S. Clark.

12 Q And do you practice law in Harris County?

13 A I do.

14 Q For how long have you practiced?

15 A 21, 22 years.

16 Q And family law is your primary area of
17 practice?

18 A It is.

19 Q You heard Mr. Enos and myself testify?

20 A I have.

21 Q And you yourself are listed in that particular
22 complaint; is that correct?

23 A Yes, that is correct.

24 Q Would you give us that case?

25 A The case that is in Mr. Enos' complaint to the

1 District Attorney's Office that I was involved in is the
2 Hernandez and Rivera case.

3 Q So he misspoke earlier when he said it was the
4 DuPont case?

5 A I think you asked him DuPont and I think it
6 has similar facts because it involves the same
7 backdating of documents. But, yes, that was a
8 misstatement.

9 Q Do you believe that Judge Pratt backdated
10 documents in this case?

11 A I do.

12 Q And why do you believe that?

13 A The Hernandez case that I was involved in was
14 tried before Judge Pratt on January the 30th of 2013.
15 We did not finish and we came back and we concluded our
16 trial on January the 31st of 2013.

17 Q Did that case originate from the 311th?

18 A No. It actually originated from the 310th
19 District Court, Judge Millard's Court, but it was
20 referred to Judge Pratt because Judge Millard was sick
21 and the opposing counsel I had on the case kept
22 objecting to the associate judge over there.

23 Q Give me the dates again, please, sir.

24 A January 30th through January 31st, 2013.

25 Q Was there an order entered shortly after that

1 trial?

2 A There was not.

3 Q How do you know that?

4 A I know that because at the conclusion of our
5 trial on January 31st, 2013, Judge Pratt stated on the
6 record -- and I have ordered the transcript and I have
7 it and I verified what she stated in court that day --
8 that she would take the matter under advisement and she
9 would make her ruling and she would fax it to us in the
10 next few days.

11 Q So you're telling me if I paid you an extra
12 dollar and put a duces tecum in there, I would have that
13 record today?

14 A Sure.

15 Q Do you believe that Judge Pratt has a bias
16 against you?

17 A I do.

18 Q Tell the Court why.

19 A Because on the Hernandez case, it was a very
20 clear-cut case. It was nothing that needed to be taken
21 under advisement. We had the mother who had felony drug
22 convictions, felony theft convictions, misdemeanor theft
23 convictions, moved around and lived in five or six
24 different places in ten months. The amicus was very pro
25 dad, who was my client in that case, and at the

1 conclusion of the case nobody in that courtroom saw any
2 other possible result other than my client walking out
3 with custody of that case, and she took it under
4 advisement.

5 Q Did the amicus make a recommendation in that
6 case?

7 A The amicus was not allowed to make a
8 recommendation in that case. She asked the Court and
9 the Court refused. But at the conclusion of the case
10 when she said she was going to issue her ruling in the
11 next few days, I waited about a week and I went by the
12 Court to check to see if Judge Pratt had made a
13 rendition.

14 Q And had she made a rendition a week later?

15 A She had not. I was told it was sitting in her
16 office with a bunch of other cases that she had not
17 ruled on.

18 Q Who told you that?

19 A It was Lawrence Jeffcoat, who at the time was
20 the court coordinator for that court.

21 Q And he said specifically that your file was in
22 the back?

23 A He said my file was in the Judge's office
24 along with other cases that she had not yet made rulings
25 on.

1 Q And for a clean record, this is a week after
2 trial?

3 A This is about a week after trial, so it would
4 have been the first week of February, somewhere around
5 there.

6 Q And how often did you continue to appear in
7 that courtroom and ask about your ruling?

8 A Family practice is a courthouse practice and
9 I'm down here almost every other day and I'm definitely
10 down here every week, so I continued to go by the 311th
11 District Court every single week and inquire of either
12 the court coordinator or the head clerk with the
13 exception of spring break week, which I was out of town,
14 between January 31st and probably May the 20th.

15 Q And the clerk would have been Marilyn at that
16 time, Marilyn Epps?

17 A Marilyn Epps was in there at some point.
18 Kerry Forney, who is the gentleman who is now the court
19 coordinator, he was a clerk in there at some point. Mr.
20 Jeffcoat was the court coordinator, but I understand
21 that he resigned at one point and Mr. Forney was
22 appointed to replace him as the coordinator. But I made
23 inquiries of all of the court staff, all of those
24 people. I consulted JIMS. I asked them to pull the
25 court file so I could look to see if anything had been

1 put in there. Nothing.

2 Q And your testimony, this is weekly you did
3 this?

4 A This was weekly, absolutely.

5 Q When did you find or finally learn that there
6 was an order signed?

7 A I got a call from the amicus attorney on
8 May 24th of 2013, in which she asked me if I had seen
9 Judge Pratt's ruling.

10 Q That was Melanie Flowers that was the amicus?

11 A No. It was Michelle Leblanc Folger.

12 Q And she told you what exactly?

13 A She told me that day she had gotten one of the
14 emails those of us who are signed up with the District
15 Clerk's Office receive whenever there is periodic
16 activity on our cases, and she had received an email
17 from the clerk's office that said basically a document
18 had been filed in our case. She forwarded me the email.
19 She went to JIMS and pulled it up and I went to JIMS and
20 pulled it up and we found a one-page rendition by Judge
21 Pratt that was just imaged, you know, within the past
22 couple of days, so sometime in the middle of May of
23 2013, that was backdated to January the 30th, 2013,
24 which was the rendition on our trial.

25 Q And this email, is this one of those auto

1 notifications that comes from the District Clerk?

2 A It was.

3 Q And it went to Michelle Folger but not you?

4 A Correct.

5 Q Have you ever had other cases in the 311th
6 where orders have been entered but you have not received
7 a notification email?

8 A Yes.

9 Q Do you recall how many approximately?

10 A Counsel, I can't give you an exact number. I
11 can specifically think of two cases or three cases where
12 orders had been entered that we knew nothing about them
13 and then we found out about them a couple of months
14 later.

15 Q Have you ever had that experience in any other
16 court in Harris County family practice?

17 A I don't believe so.

18 Q So you get an email from Ms. Folger and you go
19 check the order on JIMS?

20 A I did.

21 Q And what did the order say?

22 A Well, the order gave her rendition as to
23 custody and all sorts of matters that weren't even pled
24 for in the case. But what I found very suspicious was
25 Judge Pratt's handwritten date at the bottom of her

1 rendition stated January 30th, 2013, and the file stamp
2 from the District Clerk's Office in the upper right
3 corner also said January 30th of 2013, which was smack
4 dab in the middle of our trial. It was not at the
5 conclusion of our trial.

6 Q And your testimony earlier was the trial was
7 the 30th and the 31st?

8 A We started the 30th. We concluded the 31st.

9 Q And your testimony now is that the file stamp
10 was on January 30th of 2013?

11 A The file stamp on the document is January the
12 30th, 2013.

13 Q When the Judge signed it at the bottom and
14 puts a date, what was the date next to her signature?

15 A The date she handwrote on the rendition is
16 January 30th, 2013.

17 Q Also January 30th?

18 A Yes.

19 Q The day before your trial ended?

20 A The day before our trial ended, when we were
21 still right in the middle of the party's testimony.

22 Q And after that notification email, then there
23 was a line item on the JIMS website that the order had
24 been signed; is that correct?

25 A Well, not an order. It was not an order in my

1 case -- in this case. It was a rendition.

2 Q A rendition. Was that rendition on a docket
3 sheet like we showed in my testimony?

4 A I don't know. It was a one-page form that she
5 had handwritten her entire rendition on, signed it and
6 dated it at the bottom.

7 Q And file stamped it?

8 A And file stamped at the corner of the top
9 right corner without initials.

10 Q When you went by the Court to ask about the
11 status of your order, what did they tell you, Lawrence,
12 Kerry or Marilyn? What did they say when you asked
13 about your order?

14 A They said just be patient. The Judge has not
15 made a ruling yet.

16 Q Did they tell you how it would affect her
17 emotionally if you kept asking?

18 A Well, at several points during the first
19 couple of months I said "Do I need to approach Judge
20 Pratt and ask her about this or what?" And I was told
21 "Oh, no, don't approach her. If you ask her, it'll just
22 make it longer. You'll probably get her upset."

23 Q But you filed a request for a status
24 conference anyway?

25 A Since the case was out of the 310th, I was

1 also calling the 310th and saying, you know, "Judge
2 Pratt heard this two, three months ago. We have no
3 ruling." And so with the clerk in the 310th, I made a
4 decision to file a motion to set this matter for a
5 status conference, and we set it for a status conference
6 back in the 310th.

7 Q Would you say that this Hernandez case was the
8 first time you started complaining about Judge Pratt's
9 practice?

10 A Complaining in what way?

11 Q That she was either backdating orders or
12 waiting too long to rule or just, frankly, not doing her
13 job?

14 A I've had concerns about what she has done in
15 her court for quite some time. I don't know if I
16 actually expressed a complaint to anyone else about that
17 prior to this, but there were other cases of orders
18 being entered and us not finding out about it, things
19 being delayed. Just bizarre activities out of that
20 court.

21 Q You have been asked to give information to the
22 District Attorney, have you not?

23 A The District Attorney called me, requested
24 that I come in, give them an interview, which I gave
25 them a very lengthy interview. They asked me to get

1 documents for them on their behalf, which I did, and I
2 furnished those to the District Attorney.

3 Q Did you give testimony as well?

4 A I haven't given testimony at any proceeding
5 other than this one concerning that matter, no.

6 Q I apologize. Have you given statements to the
7 District Attorney?

8 A Yes. I gave an interview statement to Brad
9 Means with the Public Integrity Unit and two of his
10 investigators, and it's my understanding that they
11 usually take the testimony of people in cases like this.
12 They don't call them as witnesses in grand jury
13 proceedings or anything like that.

14 Q How many times were you interviewed?

15 A I've been over there twice.

16 Q And would you say that this would be the first
17 instance of you complaining of Judge Pratt, your
18 statements to the District Attorney?

19 A Oh, no. No.

20 Q What would you say the first time was?

21 A The first time I probably became very vocal
22 about it was probably May 24th of 2013 when I saw her
23 rendition, and my first complaint was to the associate
24 judge of that court, Robert Newey.

25 Q And did her demeanor towards you change after

1 that complaint to Judge Newey?

2 A I don't think it changed after making the
3 complaint to Judge Newey. I think it changed after a
4 series of events: Us setting this back over in the
5 310th; me formally going over there and having to
6 request them to release the file to the 310th because it
7 was out of their court; me talking to Judge Newey; me
8 raising a number of questions with the court staff,
9 which I'm sure got back to the Judge.

10 Q How has she demonstrated this demeanor, that
11 you just now identified, to you?

12 A I had a case that was in that court where I
13 was representing the father. She appointed Doug York,
14 Douglas Ray York, who is an attorney in Harris County,
15 as the amicus attorney on the case. She appointed him
16 back in 2011.

17 Q What's the style of that case?

18 A Copenhaver, C-o-p-e-n-h-a-v-e-r, vs. Martinez.

19 Q What was the nature of the case?

20 A Mrs. Martinez, the mother, had filed a very
21 nebulous motion to modify, asking for custody or
22 something of that nature.

23 Q And then Doug York was appointed?

24 A Doug York was appointed without any knowledge
25 of us and we only found out of his appointment as we

1 were just kind of perusing through the listings on JIMS
2 one day.

3 Q So you were not given notice of that?

4 A Was not.

5 Q Tell the Court how she also demonstrated bias
6 in that case, if anything.

7 A Well, in that case Mr. York was the amicus
8 appointed to represent a 16-, 17-year-old boy. Mr. York
9 fulfilled his duties. When we found the order
10 appointing Mr. York, it said that each party was to give
11 the amicus attorney a deposit. My client made
12 arrangements with Mr. York and gave him a deposit. The
13 mother never paid him a cent, the other party. Mr. York
14 met with my client. He reviewed a stack of documents
15 that I gave him. He met with the child. He met with
16 the child's sibling. He reviewed school records. My
17 client, I know, at one occasion or two occasions went to
18 Mr. York's office. And the mother had never contacted
19 Mr. York one single time.

20 Q What did Judge Pratt do to show bias?

21 A When we were set for trial like the fourth or
22 fifth time in that case, we go down there on a Monday,
23 there's about 150 other cases on the docket that day.
24 This was -- this would have been about two or three
25 months ago. We approached the court coordinator, Kerry

1 Forney. He says there's no way you all are going to get
2 reached. We'll just reset you. And so we left that
3 day. I then get a call on Wednesday of that week from
4 Kerry Forney, the court coordinator, stating Judge Pratt
5 is going to hear your case next week. She is setting
6 you for a pretrial conference this Friday at 4:30 p.m.

7 Q Did you attend that?

8 A I told Mr. Forney I had plans to go out of
9 town. I was going deer hunting. I am not going to be
10 in trial -- I mean, in court on that Friday afternoon.
11 I also said that Mr. York, I knew, was going to be out
12 of town as well.

13 Q And what was her response to you telling the
14 Court that Mr. York, the amicus of the case, was going
15 to be out of town?

16 A Well, nothing at first, but then Kerry called
17 us back and said, "Okay, we're going to move you then to
18 Thursday at 2:30." And so that Thursday at 2:30 I
19 showed up, my opposing counsel Brad Tilton showed up,
20 Mr. York was available by telephone, and Mr. Forney
21 called us back from the court and said "The Judge wants
22 to know what, if anything, Mr. York has even done on
23 this case. She is probably going to proceed to trial
24 without him being involved."

25 Q Is that common practice with an amicus

1 appointed on a case?

2 A It has never happened one single time in my 20
3 something years of practice.

4 Q Do you know if that's allowed by law?

5 A I don't think it's allowed by law. My
6 position is that he is a necessary party and attorney to
7 the case. He represents the child in a court-appointed
8 fashion. He had performed his duties and he had
9 actually been paid by my client.

10 Q One of the ways we have to show is beyond
11 rulings, has she shown bias. And I want to ask you, has
12 she shown any bias with her actions or words to you
13 outside of your cases or the courtroom?

14 A That case I'm talking about when we went down
15 there that Thursday at 2:30 for the pretrial conference,
16 we sat there for an hour and 15 minutes to an
17 hour-and-a-half without her ever coming back. My
18 opposing counsel leaned over and said "Can you believe
19 this?" And he shows me his phone where he's on
20 Facebook, and apparently Judge Pratt is sitting in the
21 back in her chambers posting things on Facebook while we
22 had been sitting outside waiting for her for over an
23 hour and 15 minutes.

24 Q And you had announced ready prior to that?

25 A Absolutely. We both showed up at 2:30 and

1 told them we were ready.

2 Q I want to talk about the incident with your
3 car or incidents with your car involving Denise Pratt.

4 A There's been several.

5 Q Can you tell the Court the first of those
6 incidents?

7 A The first incident that I found to be very odd
8 was, God, it had to be March of 2011, I walked into the
9 311th one day just to take care of ordinary business and
10 Mr. Jeffcoat, the coordinator, said "The Judge needs to
11 talk to you." I said, "Okay. What does the Judge need
12 to talk to me about?" And he said "She needs to talk to
13 you about the wreck." And I looked at Mr. Jeffcoat and
14 I said "What are you talking about?" He said "The Judge
15 said you all were involved in a wreck and she needs to
16 talk to you about it." And I said "Ahh, get out of
17 here. You're kidding me." And I sat down at counsel
18 table and he came back up to me and he said "I'm not
19 kidding you. The Judge wants to talk to you about the
20 wreck with your car and hers." So I waited until the
21 Judge was in between hearings, I approached her on the
22 bench, and I asked her, I said "Judge, I was told you
23 needed to speak to me. Do you need to talk to me? 'Oh,
24 yes, Mr. Clark. You drive a blue truck.' Yes, Judge, I
25 do. 'You hit my car.'" And I'm just absolutely

1 shocked. I'm just trying to figure out what's going on.
2 And the Judge just goes on to tell me that she parks
3 next to me in the parking garage across Franklin Street
4 from the courthouse. I've had the same reserved spot
5 there for 15-something years. I never knew Judge Pratt
6 parked next to me, because when I would get there in the
7 morning, she was never there.

8 But she proceeds to tell me that I have a
9 trailer ball sticking out of the back bumper of my truck
10 and I have hit her car. I examined my truck, her car,
11 everything, there's no damage, no scratch, no dents, no
12 damage whatsoever, and I go back into her courtroom the
13 next day and I approach her and said "Judge, I looked at
14 your car, I looked at the height of my bumper of the
15 trailer ball, there's not a scratch, dent, indentation,
16 nothing on your car," and she says "Oh, you hit it with
17 the front bumper of your car." I said "Well, Judge,
18 there's no damage." She said "Oh, you can't see the
19 damage. It's hidden under my bumper."

20 Q Did she file a claim against you?

21 A Well, not immediately. Then she had a person
22 named George Clevenger call me two or three weeks later
23 and tell me that I needed to send her a check for the
24 damage to her car because she's a judge and I'm a lawyer
25 and that's just the way it works, and I told him that I

1 found his call to be offensive. I hung up the phone on
2 Mr. Clevenger. And I remember when I was driving back
3 from spring break 2011 from my ranch and I walked into
4 Judge Pratt's office on Monday morning and I gave her a
5 copy of my insurance card and I said "Judge, there's no
6 damage to your car. If you think I caused an accident
7 or caused any damage to your car, here's my insurance
8 card. File a claim." And she did, and the adjuster for
9 her insurance company called me and said "There's no
10 damage to the car" and said "I don't understand why
11 she's claiming there's a wreck." But I had to go
12 through all of that.

13 Q So after the Hernandez case, have you had any
14 other instances of backdating orders?

15 A Yes. In the Copenhaver case that I told you
16 about, opposing counsel filed a motion, requesting my
17 client to take a drug test, and he wanted to take it up
18 at one of our trial settings that he handed it to me at,
19 and I told him "You need to give me proper notice of
20 it." And so he said "I'll set it for a hearing and I'll
21 give you notice and we'll handle it."

22 Well, about two weeks later -- he never
23 set it for notice, he never set it for a hearing. About
24 two weeks later I get a fax from his office saying
25 they're about to file a motion to compel my client to

1 take a drug test. I said "What are you talking about?"
2 He said "Judge Pratt granted my motion for your client
3 to take a drug test without a hearing, and here's a copy
4 of the order."

5 We had never had a hearing, we had never
6 been in front of the Court, we had never had it set for
7 a hearing, and she signed it very shortly after he filed
8 it that Monday morning at the trial setting, unbeknownst
9 to me, unbeknownst to my client. Never got faxed to my
10 office. And here he is threatening to file a motion for
11 contempt against my client and get him in trouble with
12 the Court for not complying with an order that we never
13 even knew about.

14 Q Do you think Judge Pratt can be impartial to
15 you or your parties?

16 A I do not.

17 Q Do you think that she displays bias to you or
18 the parties you represent?

19 A I think she has on occasions since all this
20 mess has started, absolutely.

21 Q And do you think with respect to Mr. Enos and
22 his criminal complaint, that she displays or can be
23 impartial to him?

24 A No, I don't think so, because I was actually
25 in court on one -- on a different case when Mr. Enos'

1 associate was trying a case in front of Judge Pratt when
2 she called the attorneys up to the bench after she found
3 out that Mr. Enos had delivered the criminal complaint
4 and she voluntarily recused herself off of that case,
5 saying "In light of what's going on, I think I'm going
6 to probably recuse myself in this case."

7 Q And having heard my testimony, do you think
8 that she can be impartial to me or any party that I
9 represent in her court?

10 A I think she can be, but I think in my opinion
11 she's probably not going to be.

12 Q Do you think she would display bias or
13 antagonism towards me or any party I represent?

14 A If her pattern and course of conduct that
15 she's demonstrated recently holds true, probably so.

16 Q Thank you for your testimony, but I want to
17 ask, is there any source that you know of where we can
18 find out about the inner workings or the datings of
19 orders in the 311th?

20 A Is there any source I know of for the inner
21 workings of that court?

22 Q To find out how they date their documents,
23 when they do it, their practice of stamping and signing
24 orders, is there anyone, other than the people we've
25 subpoenaed today, that you know of that we can talk to

1 to find out what's going on in that court?

2 A The only people I can think of that would have
3 firsthand knowledge of that would be members of the
4 District Clerk's staff assigned to her court or the
5 Judge herself.

6 MR. WALDROP: Pass the witness, Your
7 Honor.

8 THE COURT: Anything?

9 MR. TRAVERS: No questions.

10 THE COURT: Thank you, Mr. Clark.

11 MR. CLARK: Thank you, Judge.

12 THE COURT: I don't have any need for
13 this anymore.

14 Is there anything else?

15 MR. BROWN: Yes, please.

16 THE COURT: Can I have about a ten-minute
17 break then?

18 MR. BROWN: If you'll give me about three
19 minutes to argue when you get back.

20 (Recess taken)

21 MR. BROWN: When we came in here when we
22 first started, the Court said, you know, so you recuse
23 somebody because a couple lawyers say something. Well,
24 we know that's not the case and I know that was not the
25 test that you put on this case. You were district judge

1 for eight years?

2 THE COURT: Eight full years.

3 MR. BROWN: And you ruled for people and
4 you ruled against people. Never saw this Court or any
5 of the other courts I've been in front of over there act
6 in a manner such as this. Now, you asked me to tie
7 these actions into 18(b), (b)(1) and (2). Well, 1
8 requires the judge to be impartial. Impartial means, I
9 think, that a judge receives evidence, listens to the
10 evidence, receives -- peruses the pleadings and then
11 makes a decision that governs the people that are in
12 front of that judge. If you don't make a decision until
13 some point in time where you forgot about it and you go
14 back and backdate an order, that's not impartial.
15 That's guessing.

16 Now, there is no question in my mind that
17 in the number of cases, the volume of cases that our
18 family courts have, that every now and then, "Oh, my
19 goodness, where did this case come from?" And courts
20 have to go and reconstruct or figure out what happened.
21 But you don't see it happening over and over and over
22 and over again. You don't see grand jury investigations
23 about it and you don't see Mr. Enos filing a criminal
24 complaint that is parallel to the complaints of this
25 gentleman's clients, Mr. Clark's clients and the other

1 folks.

2 THE COURT: Let me interrupt you for a
3 minute.

4 MR. BROWN: Yes, sir.

5 THE COURT: Is Mr. Clark involved in any
6 of these?

7 MR. BROWN: No, not the ones that are
8 before you. He has a parallel case that is before the
9 District Attorney's Office right now.

10 THE COURT: Is it going to be a different
11 judge?

12 MR. BROWN: Yes, sir. And the reason I
13 offered that testimony was under 406, the Rules of
14 Evidence, to show course of conduct.

15 THE COURT: Okay.

16 MR. BROWN: It may very well seem like
17 all these lawyers in Harris County are ganging up on
18 Judge Pratt. Well, all -- many of the lawyers are
19 indeed signing petitions and the like. We come with you
20 with evidence of what has occurred. I assume at this
21 point in time the evidence has been compelling to show
22 that Judge Pratt has, in a manner that is inconsistent
23 with being impartial, has backdated orders. Has changed
24 orders. Has gone back and said, okay, a case has
25 started. We're going to put an order into effect; no,

1 we're not going to put an order in effect, and six weeks
2 later some lawyer finds out that indeed the case was
3 decided and allegedly signed six weeks ago. It just
4 doesn't work like that.

5 I have had and I have seen cases where
6 courts have called us back in, a case got heard, got put
7 off for a while, and "Gentlemen, take a little more
8 testimony. Catch me up." Things like that happen, we
9 understand that, but not in this pattern. Now, nobody,
10 I'm told by a judge I know very well, likes to be
11 appealed and nobody likes to be appealed and certainly
12 have an order come down saying that they're wrong, but
13 that's what happens, that's what appellate courts do,
14 but we don't complain about that here.

15 There have been two orders from the Court
16 of Appeals that directly affect the way she handles her
17 court on cases that this young man had in front of her,
18 and the most egregious of which was where the Court
19 says, okay -- the appellate court says you have to file
20 your findings of fact and conclusions of law, and then
21 he goes in there two, three weeks later and can't get
22 justice, can't get a hearing, can't get anything for his
23 client. That's just wrong, sir. And that there, there
24 is no impartiality if you don't have hearings.

25 You know, I don't know if it was you. It

1 was possibly Judge York who said really a judge needs to
2 do three things: Have hearings, listen to testimony and
3 rule. And that's the right thing. And we do it in a
4 timely manner because these stupid rules, they have
5 these time limits that we have to tend to. We have to
6 know whether or not mom's going to get her child
7 support, whether dad's going to be paying 600 or \$750 in
8 child support. We have to know when the appellate
9 timetable runs. It's not been happening in that court
10 in his cases and it's not been happening in that court
11 on other cases that show the course of conduct.

12 She is obviously -- you know, people hold
13 a grudge. I couldn't be a judge. You know, my skin's
14 too thin. But even if you step beyond the bias and just
15 look at the impartiality, how can you be impartial if
16 you don't rule on the case until it's too late and you
17 have to go and guess? It's just wrong. I'm sorry. We
18 don't take filing of recusals on judges as any type of
19 sport. It is not good for any of us. We are all
20 officers of the court, each and every one of us, and if
21 we don't act like officers of the court, we expect to be
22 punished for that.

23 No one is trying to punish her. No one
24 is trying to hurt her. None of this hurts or helps the
25 problems she has with the Harris County District

1 Attorney's Office. What it does is protect the clients
2 that this young man represents in front of. Thank you,
3 sir.

4 THE COURT: Okay. Let's say I find by a
5 preponderance of the evidence or even maybe by
6 compelling evidence that she has backdated all those
7 orders, has done all those things and probably in
8 violation of the rules.

9 MR. BROWN: Penal Code.

10 THE COURT: The Rules of --

11 MR. BROWN: Judicial Conduct.

12 THE COURT: -- Judicial Conduct. And
13 then I've got to go back and see if any of those have
14 anything to do with Rule 18(a). Now, he gets on the
15 witness stand, and I can understand -- I'm not finished.
16 Don't interrupt me until I get done.

17 MR. BROWN: Yes, sir.

18 THE COURT: He gets on the witness stand
19 and testifies as to the things that happened to him
20 after he filed his appeals and all the things that she
21 did after he filed his appeals that showed that she
22 might be bias. Kind of recap those for me and let me
23 see what actually happened outside of her conduct that
24 might be either criminal or against the Rules of
25 Judicial Conduct. What did she do that showed bias

1 against him specifically in each of these cases?

2 MR. BROWN: May I correct the Court on
3 one thing?

4 THE COURT: Okay.

5 MR. BROWN: It's 18(b).

6 THE COURT: Okay, 18(b). 18(a) has
7 probably got to do with recusals or, I mean, objections
8 to the judges.

9 MR. BROWN: No, 18(b) are the reasons you
10 can recuse someone. 18(a) is how it's done.

11 THE COURT: Okay. So tell me what
12 those --

13 MR. BROWN: Explain it to him.

14 MR. WALDROP: Absolutely. The most
15 recent of which is while this recusal was pending, she
16 backdated an order. Aside from the Criminal Penal Code
17 37.10, that is direct bias. That is direct bias towards
18 me and my client to backdate it during a recusal.
19 You're supposed to do nothing during a recusal when it's
20 pending. Nothing at all. Twice --

21 THE COURT: Well, I know that. I know
22 that.

23 MR. WALDROP: She's done it twice since
24 this has been filed on November 6th. She's backdated an
25 order and then signed a QDRO but not a decree. But the

1 most specific of which is the way she treated the
2 foreclosure in the Abrego case. That is extrajudicial.
3 That goes beyond it, to actually show animosity.
4 Hostile attitude is not enough. We know that, Judge.
5 But to show actual animosity, and that's exactly what
6 she did in the Abrego case, showed animosity, and that
7 is a continuing course not just with me, but with the
8 witnesses you heard today. It is not bias in the sense
9 that, oh, maybe the rulings aren't fair. It is
10 animosity that she demonstrates with either the rulings
11 or the lack thereof or the lack thereof and then
12 backdating the rulings.

13 MR. BROWN: By setting the trial the day
14 after the date she knew the house would be foreclosed.

15 THE COURT: Is that specifically against
16 you, you think, and not other lawyers or --

17 MR. WALDROP: I think there's a group of
18 lawyers that she shows direct animosity towards. And I
19 didn't want to bore you with the car story, I didn't
20 want to do that, but that's just ridiculous, Your Honor.

21 THE COURT: Well, I agree that it is, but
22 I don't know it has anything to do with --

23 MR. WALDROP: Well, it's extrajudicial
24 and it shows animosity, it shows animus. But to answer
25 your question, it's the animosity that we're complaining

1 of.

2 MR. BROWN: And that occurred a very
3 short period of time after she got the first unpleasant
4 correspondence from the Court of Appeals.

5 THE COURT: Okay.

6 MR. BROWN: But to me, my recollection
7 from practicing in front of you, that's your way of
8 saying "Hush, David."

9 THE COURT: I'm sorry?

10 MR. BROWN: My recollection from
11 practicing in front of you, that's your way of saying
12 "Hush, David."

13 THE COURT: Okay. Let me take a few
14 minutes. You all can have a break. Come back in about
15 ten minutes and I'll be able to look at it and see which
16 way I'm going to go. Okay?

17 MR. BROWN: You do recall my argument on
18 18(b)(1)?

19 THE COURT: I know you said 18(b) and
20 not 18(a).

21 MR. BROWN: Thank you, Judge.

22 (Recess taken)

23 THE COURT: I'm going to read where it's
24 entered on the docket sheet. Okay. A hearing was held
25 on motions for recusal. All eight motions heard

1 simultaneously by agreement; is that right?

2 MR. WALDROP: Yes, sir.

3 THE COURT: The record was by Gina Bench.
4 Motions to quash subpoenas of Judge Pratt granted.
5 Other motions to quash subpoenas of Mr. Enos and the
6 District Clerk compromised and not ruled on. Actually
7 the motion for the District Attorney's Office was
8 granted to quash, right?

9 MR. WALDROP: Yes, sir.

10 THE COURT: The Court grants all eight
11 motions for recusal of Judge Pratt on the basis of Rule
12 18(b)(2)(a), i.e., the evidence supports a finding that
13 the Judge's impartiality against the attorney in these
14 cases might reasonably be prejudiced. That's it.

15 MR. BROWN: May I ask a question?

16 THE COURT: Sure.

17 MR. BROWN: We're done with this hearing,
18 right?

19 THE COURT: We're done with this hearing.
20
21
22
23
24
25

1 STATE OF TEXAS

2 COUNTY OF HARRIS

3
4 I, Gina Bench, Deputy Court Reporter in and for the
5 311th District Court of Harris County, State of Texas,
6 do hereby certify that the above and foregoing contains
7 a true and correct transcription of all portions of
8 evidence and other proceedings requested in writing by
9 counsel for the parties to be included in this volume of
10 the Reporter's Record in the above-styled and numbered
11 cause, all of which occurred in open court or in
12 chambers and were reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$_____ and
18 was paid/will be paid by _____.

19
20 _____
21 Gina Bench, CSR, RPR, RMR
22 Texas CSR 221
23 Deputy Court Reporter
24 311th District Court
25 Harris County, Texas
1201 Franklin, 20th flr.
Houston, Texas 77002
Telephone: 281.455.5613
Expiration: 12/31/2014

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