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The Mongoose

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Please forward this e-mail newsletter to everyone who cares about our family courts!

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Congratulations to the winners and to those candidates who lost. Most folks do not realize what a huge sacrifice of time and money that running for judge requires. The cost of seeking election includes time away from family and the law practice, as well as all the hours spent at boring events. Now, we can all gossip on who the new Associate Judges will be and which of the newly elected judges will succumb to my siren call for reform and ethical behavior in the family courts.

I do not expect to win every case. I just want an efficient system in which my client gets a fair hearing before a judge who works hard, knows the law, and does not play favorites. I also expect judges to appoint qualified amicus attorneys who bill honestly and zealously look after children (and actually visit the kids in their homes). Is that asking too much? Stay tuned.

Greg Enos
 The Enos Law Firm

Harris County Family Court Races

[Click here](#) for the complete unofficial, final results from Harris County. Here is what happened in the family courts:

Court	Candidate	Party	Votes	%
246th	Sandra Peake	D	308,703	47%

"Together, attorneys can improve our family courts!"



[Click here](#) to be inspired by an amazing video of a mongoose taking the fight to a pride of lions. I have seen the same look of surprise that those lions showed on the faces of a few judges in the last few years.

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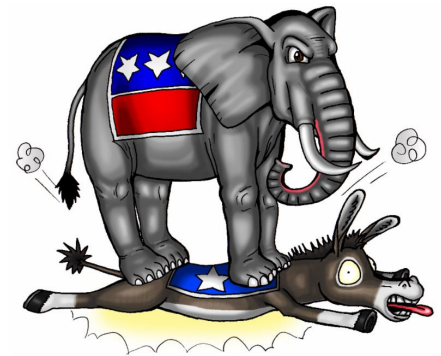
Denise Pratt's Protector Wins District Attorney Race

	Charley Prine	R	347,559	53%
247th	John Schmude	R	349,715	53%
	Clinton "Chip" Wells	D	305,807	47%
280th	Lynn Bradshaw Hull	R	352,276	54%
	Barbara J. Stalder	D	304,076	46%
308th	Jim Evans	D	307,444	47%
	James Lombardino	R	348,272	53%
309th	Sheri Y. Dean	R	357,734	55%
	Kathy Vossler	D	298,067	45%
311th	Sherri L. Cothrun	D	304,786	46%
	Alicia Franklin	R	351,459	54%
313th	Glenn Devlin	R	354,835	54%
	Tracy D. Good	D	299,925	46%
314th	Natalia Oakes	D	309,097	47%
	John F. Phillips	R	346,467	53%

Devon Anderson has been elected District Attorney. This was an election to fill a vacancy and so the D.A. will be up for election again in 2016 for a full, four year term. A Democrat will have a very good chance of winning this position in a presidential election year with Hilary Clinton on the top of the ticket and Democrat Sheriff Adrian Garcia headlining the Harris County ballot.

Civil and Criminal Courts

Republicans swept the civil and criminal judicial races in Harris County.



A Preliminary Analysis of Voting Trends

Political scientists and consultants will compare voting results this year to 2010, the last time there was a Governor's election. Voting patterns are very different in years when the President is at the top of the ballot.

In 2010, voter turn out in Harris County was 41.7% and this 2014 election it was 37.93%.

In Harris County in 2010, the Democrats narrowly won the vote on Election Day but got killed in the mail-in and early voting. This year, the Democrats did about five percentage points better in the absentee voting and about two percentage points better in the early vote.

Absentee Voting

	2010		2014	
Straight R	24,231	67.64%	21,292	54.71%
Straight D	11,448	31.96%	17,500	44.97%
Governor R	31,101	56.94%	28,756	51.08%
Governor D	22,875	41.88%	26,967	47.90%
309th R	33,190	64.10%	29,497	54.33%
309th D	18,589	35.90%	24,794	45.67%

Early Voting

	2010		2014	
Straight R	153,005	57.56%	118,899	55.49%
Straight D	111,352	41.89%	94,197	43.93%
Governor R	199,628	51.56%	160,239	52.75%
Governor D	181,891	46.96%	140,063	46.11%
309th R	215,606	57.68%	163,235	55.19%
309th D	158,201	42.32%	132,538	44.81%

As a citizen and attorney, I am sublimely thrilled that Chris Daniel was re-elected as District Clerk. There is no better public servant in Harris County and we all benefit from his work.

As a family law attorney (not as a Democrat), I am generally happy with how the elections for family court judges went (with a few notable exceptions, especially two of the juvenile courts). I am sorry to see a quality candidate like Sherri Cothrun lose, but I tip my fedora to Doug York and Alicia Franklin for their success after 2+ years of relentless political work. Of course, they still have to put up with me and see how my criminal complaint plays out (see story below).

I am very happy for my former next-door neighbor Sheri Y. Dean, because I know how much work her family has put into her campaigns over the years.



As proof that I have an open mind for a liberal Democrat, I am most particularly happy for John Schmude. I have come to really like and respect this guy and I can only hope his energy and ethics count for more than his brief legal experience as he assumes the bench. It appears that Judge Hellums has intentionally left Schmude a screwed up docket for the first few months of 2015, so we all need to be patient with him. Schmude certainly wins the prize for the cutest campaign photographs involving his children.



Clients Are Confused Over "First Friday" Versus "First Weekend"

Clients and former clients have already started calling about arguments over which parent has possession of the kids this coming weekend. Most people think last weekend was the first weekend of November and yet last weekend started with Friday, October 31. Our clients need to be reminded that weekend visitation is based on Fridays - 1st, 3rd and 5th. Expect a few emergency calls Friday and some enforcements to arise out of this coming weekend.

October							November						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						7	8
5	6	7	8	9	10	11	9	10	11	12	13	14	15
12	13	14	15	16	17	18	16	17	18	19	20	21	22
19	20	21	22	23	24	25	23	24	25	26	27	28	29
26	27	28	29	30	31		30						

In 2015, January, May, July and October have five Fridays. That means a parent with visitation under a standard possession order will have three weekends in those months and have two weekends in a row when the fifth Friday of one month is followed by the first Friday of the next month. Your clients will appreciate it if you forewarn them about these calendar anomalies. Next year, the parent with visitation rights, for example, should carefully consider that July gives him three weekends when designating his extended summer possession period - he may want to split up his 30 days of summer possession into June and August to maximize his time with the children.

Harris County Judges Have Been Convicted of Tampering With a Government Record

I have asked the Harris County District Attorney to investigate Judge Alicia Franklin to determine if she provided false CPS pay vouchers to the county when she was a lawyer. This week, I will finally mail off to the D.A. my letter about Gary Polland, who did the same thing as Franklin (just a lot more of it). Actually, I have asked D.A. Anderson to recuse herself and ask for the appointment of a prosecutor pro tem to investigate if the crime of tampering with a government record was committed.

In 2000, two Harris County Justices of the Peace were convicted of tampering with

On Election Day, the Republicans did a good bit better than in 2010. Battleground Texas did not get out the "D" vote yesterday.

		2010		2014	
Straight R	113,119	48.59%	108,566	53.18%	
Straight D	117,679	50.55%	93,001	45.55%	
Governor R	148,733	42.95%	153,266	50.41%	
Governor D	191,186	55.21%	144,748	47.61%	
309th R	168,562	50.96%	157,864	54.12%	
309th D	163,226	49.04%	133,855	45.88%	

The total vote for the 2014 election in Harris County went barely for Republican Greg Abbott for Governor whereas in 2010 Democrat Bill White barely won Harris County. The number of straight ticket votes declined for both parties but the percentages were about the same as in 2010.

		2010		2014	
Straight R	290,355	54.33%	253,548	54.28%	
Straight D	240,479	45.00%	209,449	44.84%	
Governor R	379,516	48.15%	349,109	51.43%	
Governor D	395,952	50.23%	319,454	47.06%	
309th R	417,358	55.18%	357,734	54.55%	
309th D	339,016	44.82%	298,067	45.45%	

As in 2010, the Republican judicial candidates all did better than the Republican candidate for governor, suggesting that some voters just trust the "R" brand for judges more.

In the final analysis, this clearly was not a good year to run as a Democrat almost anywhere in the country, just as it was not good to run as a Republican toward the end of the last Bush administration. I was furious when Republicans called Wendy Davis "Abortion Barbie," but it turned out she never reached the public on any other issue and Greg Abbott ran a solid, mistake free campaign. Marginal or first time voters must be motivated and inspired to vote and there was nothing this year to do that for the majority of Harris County citizens who support Democratic positions but who simply do not vote.

Hotly contested local bond issues in Republican strongholds, such as Katy, probably helped GOP turnout.

Smart Republican politicians privately concede it is only a matter of time before the Democrats sweep Harris County because of the inexorable tide of demographics. The end of the Obama administration, with the President's popularity in the ditch and the public so unhappy with so many things, was simply not the time for that to happen -- but it will.

a government record. Republican J.P. Mark Fury plead no contest to several counts for submitting false pay records for his employees. Democrat J.P. Betty Brock Bell was found guilty by a jury for applying for a disabled parking placard when she was not disabled.

Neither of those offenses seem nearly as bad as falsely billing the county for legal work on CPS cases. To me, submitting an invoice in the name of one attorney that includes work the attorney did not do is false billing, as is inflating hours worked. Franklin and Polland contend they did nothing wrong and a grand jury may determine that no criminal act was committed. Acting sleazy is not always criminal and determining whether Franklin or Polland committed a crime is up to higher and more reputable authorities than me. However, there is ample precedent for applying the crime of tampering with a government record to the act of signing a false form and submitting it to the government. The narrow question for Franklin and Polland will be whether those CPS pay voucher forms were specific enough to make how they billed "knowingly making a false entry" since both were supposedly including time for work others had done, even though that was not disclosed on the form.

Polland and Franklin would argue that the pay voucher forms had no blanks or spaces to show who did the work that was being billed for. I contend that if I submit a pay voucher form for GREG ENOS and show time spent on a case, that I am saying I did that work unless I make some note that my associate or paralegal did the work and there was plenty of space on that form to make such notations. Given that it appears clear under the law that ad litem attorneys are not supposed to be paid for work done by others, judges would normally have no reason to ask if the ad litem's bill includes such work. Unfortunately, such illegal billing by ad litem for work done by others was obviously allowed in most courts and that may well be part of the defense for Polland and Franklin - the judges let us bill illegally and they knew we were doing it. [Click here](#) if you want to read my article explaining why ad litem and amicus attorneys are not supposed to be paid for work done by others.

I would frankly prefer that my complaints be investigated after the election, so no one can say it is just a partisan smear campaign (like Franklin's public relations guy said). Of course, Devon Anderson may face an opponent in the Republican primary in just two years and she will need Gary Polland's support more than ever, so politics will never be totally out of this conversation.

We will soon have four new associate judges in Harris County and I will closely research what they billed in CPS cases in recent years. The issue of bilking taxpayers in CPS cases and the big fees made in court appointments is not going away.

Attorney Greg Enos has been through his own divorce and child custody battle (he won) and understands what his clients are going through. Enos graduated from the University of Texas Law School and was a very successful personal injury attorney in Texas City before he decided his true calling was to help families in divorce and child custody cases. Greg Enos is active in politics and in Clear Lake area charities. He has served as President of the Bay Area Bar Association and President of the Board of Interfaith Caring Ministries.



Attorney Greg Enos

