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**Issue: No. 60****February 27, 2015****The Enos Law Firm**

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

[Click here](#) for an archive of past issues of *The Mongoose*.



Relax Lemkuils, this is not really my next full blown newsletter. This is mostly an advertisement for my March 12 seminar, which is rapidly filling up.

[Click here](#) to download the registration form for the first legal seminar sponsored by this newsletter. **The Ultimate Discovery Seminar** on March 12 will explain in three hours how to send and respond to discovery in an efficient, correct and high tech way. The \$90 fee for 3.0 CLE hours is 100% refundable if you think the seminar is boring or is not practical, useful, or fast paced. There will be two bonus presentations on "The State of Same-Sex Marriage and Divorce" and "Using an iPad in Court for Exhibits and Videos."

Greg Enos
 The Enos Law Firm

Ultimate Discovery Seminar: Answering and Responding to Discovery In a Correct, Efficient and High-Tech Way

[Click here](#) for details and registration information. We limit attendance, so register early! The price is \$90 if you register in advance and \$120 at the door.

Please Hurry and Register - Space is Limited and We Are Filling up Fast!

PLEASE DO NOT MAIL REGISTRATION FORMS AFTER MARCH 4!

When: Thursday, March 12, 2015

Where: Harris County Jury Assembly Auditorium

"Together, attorneys can improve our family courts!"



Hilarious But So True Video About The Folly of Electing Judges

[Click here](#) to see a very funny but oh so true video by John Oliver about what a wacky idea it is to elect judges.



A Defense of Judge Kim Sullivan

Galveston County Probate Judge Kim Sullivan is suing the county because commissioners eliminated an extra \$5,000 per year she had been paid to be Administrative Probate Judge.

The county defendants tried to get the lawsuit thrown out on plea to the jurisdiction, but it was denied on February 20 and the county has given notice of an interlocutory appeal.

I have tried to make it clear that I think the

Cost: \$90 if paid in advance (\$120 at the door if there is room)

CLE Hours: 3.0

Registration starts at 12:15 p.m. The actual seminar is from 1:30 p.m. to 4:45 p.m.

Special Bonus Topics:

The State of Same-Sex Marriage and Divorce
How to Use an iPad in Court to Present Evidence and Videos

This is going to be a fast paced, interesting and fun seminar that explains the process of sending and responding to discovery in family law cases in the correct, efficient and hi-tech way. Seminar participants will receive a printed seminar booklet and a flash drive with papers, rules and forms.

Speakers: Greg Enos - A lawyer with 30 years experience who is Board Certified in Family Law, Enos has organized his own seminars and spoken at State Bar seminars. Houston attorney Jim Evans will speak on "The State of Same Sex Marriage and Divorce." Attorney Amy Carlin will speak on "Requests for Production to Non-Parties." Webster lawyer Christina Tillinger will speak on motions to compel and how discovery responses (or the lack of them) can change or even lose a trial.

Every Mongoose Seminar is guaranteed to be practical, useful, fast paced and never boring. 100% of the seminar fee will be refunded if you do not agree. Part of the seminar proceeds will be used to buy bullet-proof vests for Houston area police officers.



Topics and Times:

12:15 - 1:30 Registration

1:30 - 1:40 Greg Enos - Introduction: Why do we send discovery? Explaining the process to clients. When not to send discovery. The danger of not sending discovery and how to protect yourself if you do not. Various forms of written discovery, including the financial disclosures required by the local rules.

1:40 - 1:50 Christina Tillinger: The end game: how discovery affects a trial and how no or inadequate discovery responses can really hurt your case and your client.

1:50 - 2:00 Greg Enos - Depositions: How to notice depositions. When a deposition is worth the expense. and ideas on who to depose. Telephonic and video depositions.

2:00 - 2:15 Greg Enos - **The single most important topic of the day: The deadly discovery deadlines and how to calculate them and calendar them.**

2:15 - 2:30 **Bonus Topic: The State of Same-Sex Marriage in the U.S. and in Texas**
(when do we get to file same-sex divorces?) - Presented by Jim Evans - see attached resume.

2:30 - 2:45 Break

county is wasting money to fight a fellow Republican official over this small amount. However, I managed to raise some judicial hackles when I suggested that Judge Sullivan might be hard pressed to justify why she needs extra pay to "administer herself" since she is the only probate judge in the county.

I heard from my dear friend, Gladys Burwell, our former Probate Judge, who e-mailed me to say (in part):

GREG

As the former Probate Court judge I can testify to all the extra work that the Probate Judge does in administrative work that the other judges do not do. Kim [Sullivan], as I did, does her own budget as the Probate Court budget has many cost centers that the other courts do not have. Also, there is a lot of making sure that the auditor and commissioners court follow the laws regarding fees that are dedicated fees and can only be used for certain items.

When I was judge it took several years before the auditors and the court understood that the \$40 fee paid by people filing cases had to be segregated and could not be used for what the judge said they could be used for. By the time the commissioners court and auditor got it all straight, they had to move a little over \$250,000 out of the general fund to that special fund. I used the fund to set up an electronic data program for the guardianship program at Social Services, pay for continuing education for the staff in the county clerk's office as well as education for my staff, among other things. The present commissioners court took some money out of that account and transferred it to the DA's office to pay for an assistant DA and Judge Sullivan had to go to them and eventually with Judge Herman's help it got put back.

There is another fee that is generated by new cases that Judge Sullivan told me that the auditor had not been keeping track of which can only be used for ad litem in court initiated guardianship cases or for guardianship programs. She said she was surprised to find out how much was in that account when they tracked all the payments from when she became judge. I had been tracking it while I was judge and we even had a cost center for that fund to pay ad litem when it was a guardianship that was a court initiated guardianship which saved the county money in the general fund.

Another thing that Judge Sullivan does that the other Courts do not do is sending to the treasurer the billing for hearing mental health cases for other counties or for making sure that when other counties bill us for mental health hearings that those are legitimate charges and then, of course, doing the work for those counties to be paid by Galveston County. Galveston County recapped funds monthly from Brazoria County as Judge Sullivan does the mental health hearings for Brazoria County when the patients are at the Gulf Coast Center just as I did when I was judge.

I am not sure how this issue is handled now but when I was judge we did all the purchase orders to pay ad litem (since we had different cost centers depending how they were used) and all our other purchases, paying the associate judge in mental health, etc. The other courts use the Justice Administration to that work for them.

Judge Burwell

I then heard from Judge Sullivan:

Greg,

Judge Burwell is correct when she states that in Galveston County, the Probate Court Judge, as Administrator, is left to handle numerous duties that are set out by statute and by Judge Herman's 2001 Administrative Order. The duties are numerous and are handled directly by the Probate Judge. Whereas, the County Court and District Court Administrative Judges always have the assistance of Justice Admin.

I have created a chart which identifies the duties and who performs those duties which I presented to Commissioners to no avail during the budget process. This chart although prepared by me, was

2:45 - 3:00 Amy Carlin: Requests for Production to Non-Parties - How to do it the correct way

3:00 - 3:25 Greg Enos - Discovery Tips and Tricks:

- Discovery requests embedded in pleadings
- Agreements on discovery deadlines
- "The Golden Rule"
- What to do when you miss a discovery deadline
- Agreements to exchange specific documents
- Limits on discovery
- What discovery is filed with the court?

3:25 - 3:50 Greg Enos - The mechanics of discovery

- Serving Discovery, including electronically (service by regular e-mail does not comply with the rules)
- Sending your discovery requests in word processor form
- How to get clients to cooperate with answering discovery
- Objections to discovery - which objections can be made and which objections are not permitted (but still made all the time)
- Asserting privilege and privilege logs
- What to do when you accidentally produce something?
- Interrogatory verifications do not have to be notarized
- Responding to requests for production:
 - * Produce documents or make available?
 - * Organizing documents
 - * Numbering documents (hi tech, easy methods)
 - * An index of documents produced
 - * Produce on paper or electronically?
- Responding to Requests for Disclosure
- Production of documents and authentication
- Witness Subpoenas
- What do you do with discovery once the case is over?

3:50 - 4:00 Break

4:00 - 4:10 **Greg Enos - Bonus Topic: How to Use an iPad in Court to Present Evidence and Videos**

4:10 - 4:20 Christina Tillinger - Motions to compel discovery

4:20 - 4:45 Greg Enos - Sample Discovery Requests

- Divorce with no kids discovery: RFP, INT
- Divorce with children discovery: RFP, INT
- Modification discovery: RFP, INT
- Child support discovery
- Discovery in an enforcement case?

4:45 **Time to go find a place to drink!**

[Click here](#) for the seminar registration information.

also presented and blessed by the other two Administrative Judges.

Please feel free to come by my office to discuss the duties and why this issue of only "one court" is really irrelevant.

Respectfully,

*Kimberly Sullivan
Probate Court Judge*

A Very Useful Date Calculator

We all need to figure out the date 30 days before trial or 30 days after discovery had been served. [Click here](#) to go the web page my office uses for most date calculations.

[Click here](#) for another legal deadline calculator offered by depo.com.

Caution: You still need to be familiar with courthouse holidays for the particular county where the case is pending.

Useful Lawyer Links

[Harris County Vacation Request Form](#)

[Galveston County Vacation Request Form](#)

[Harris County Family Court Chart](#)

[Galveston County Court Chart](#)

[Attorney General Contact Info](#)





"Justice will not be served until those who are unaffected are as outraged as those who are."

- Benjamin Franklin



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