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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*.



[Click here](#) to participate in the first ever **Mongoose Survey on Judicial Ethics**. This survey seeks your opinion on Judges' spouses and whether they should practice or sign up cases pending in their beloveds' courts.

I have prepared new charts for Harris and Galveston County courts. Click below to download these charts:

[Harris County Family Courts](#)

[Galveston County Courts](#)

[Click here](#) to learn more about 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."

I attended the swearing-in ceremony for new judges in Galveston on January 1. It was moving and inspiring to see people who had worked so hard achieve an important goal with their family and friends present to share the moment.

New judges are already making good impressions. Judge Jack Ewing greets his misdemeanor docket by leaving the bench and speaking from between the counsel tables with compassion and humor as he explains the procedures. I saw Judge John Schmude call his docket to start his first full week and he did it with confidence and efficiency as if he had been at it for years.

We all need to be patient with, and assist, our new judges as they learn their very difficult jobs. They may be rookies now but hopefully they are all future judicial superstars.

***"Together, attorneys can improve our family courts!"***



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### Useful Lawyer Links

[Harris County Vacation Request Form](#)

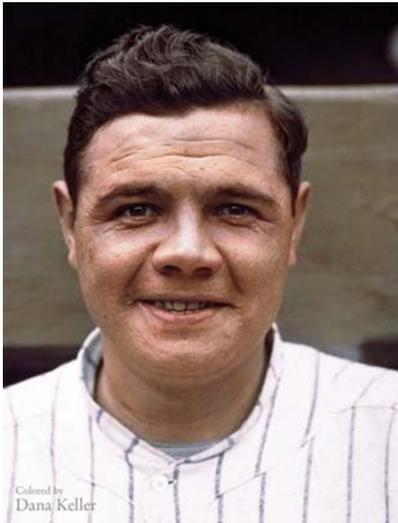
[Galveston County Vacation Request Form](#)

[Harris County Family Court Chart](#)

[Galveston County Court Chart](#)

### Interesting Appellate Cases Just Decided

**Robert Hoffman** and other lawyers were sued by their former client, Rachel Brown, the former wife of deceased hand surgeon Michael Brown. The judge ordered Hoffman to disclose his net worth information because punitive damages are requested. Hoffman requested a



A recently colorized photo of a rookie named George Herman "Babe" Ruth, Jr. just before his major league debut in 1914.

**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 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

### **A Special Thanks to Judges Kerri Foley and Jim Woltz**

Two judges who served Galveston County admirably deserve a special "thanks." Judge Kerri Foley reluctantly gave up her jobs as Juvenile Associate Judge and League City Municipal Judge to accept the appointment as Judge of County Court No. 3 after Chris Dupuy was indicted, removed and then resigned. Foley focused on fixing a court that was in shambles rather than campaigning and Republican voters selected someone else in the primaries. Foley was disappointed by the election outcome but she continued to work hard and decide cases fairly until the very end. Most importantly, Foley restored confidence and ethics to this court and she should be proud of what she did.

write of mandamus, which was denied.

[Petition for Mandamus](#)  
[Order Denying Mandamus](#)



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

- Benjamin Franklin

### **Upcoming Mongoose Seminars**

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.

#### **Ultimate Discovery Seminar: Answering and Responding to Discovery the 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.

**When:** March 12, 2015  
**Where:** Harris County Jury Assembly Auditorium  
**Cost:** \$90  
**CLE Hours:** 3.0  
**Bonus Topics:** "The State of Same-Sex Marriage and Divorce" and "Using an iPad in Court for Exhibits and Videos."

### **What To Do When Illegal Electronic Evidence is Discovered**

A thoughtful 2005 Florida case describes what counsel and the trial court should do when faced with illegally obtained electronic evidence. [Click here](#) to read about *O'Brien v. O'Brien*, 899 So.2d 1133 (Fla. 5th DCA 2005).

In summary, here is what should happen if one spouse is caught with illegally obtained e-mails, text messages or other electronic evidence:

1. Obtain a TRO and temporary injunction to forbid the disclosure and use of the evidence.
2. Conduct discovery on how the electronic evidence was obtained, who was involved and whether the evidence has already been disclosed or used.
3. Obtain a ruling that the illegally obtained electronic evidence may not be used in evidence and consider if any other evidence that is "the fruit of the poisonous tree" (obtained by use of the illegal evidence) should be excluded. Ethical opposing counsel may agree that the illegal evidence should be excluded. Remember what the Houston First Court of Appeals in *Collins v. Collins*, 904 S.W.2d 792, 799 (Tex. App. - Houston [1st Dist.] 1995, writ



Friendswood Justice of the Peace Jim Woltz served Galveston County for 29 years with fairness, humor and common sense. We all wish Jim well and we will miss him.



### Nepotism in the Courtroom?

Is it ever proper for the spouse of a District Judge or an Associate Judge to practice in his or her spouse's court? Should reverse venue shopping be allowed if a judge's spouse can accept a case and get it transferred from his spouse's court? [Click here](#) to read my analysis.

[Click here](#) to participate in the first ever **Mongoose Ethics Survey** and let us know what you think about this issue. It takes about 40 seconds to answer seven questions and your answers are confidential. I will tabulate all of the responses and let you know what the family bar thinks about judges and their spouses working in the same court.

### More Galveston County Judicial Civil War Mayhem

Bonnie Quiroga, the former Director of Justice Administration, has sued Galveston County alleging she was a victim of age and sex discrimination and was retaliated against for being a whistle blower. [Click here](#) to read Ms. Quiroga's lawsuit, which was filed by attorney Mark Stevens, who also represents Judge Lonnie Cox in his battle with County Commissioners over Quiroga's firing. In December, Judge Bret

denied) said about illegal phone recordings:  
*To permit such evidence to be introduced at trial when it is illegal to disseminate it would make the court a partner to the illegal conduct the statute seeks to proscribe.*

4. File a separate lawsuit or join to the divorce or custody case tort claims against those who illegally intercepted, used or disclosed the electronic evidence. The tort case may have to be severed from the custody or divorce case and potentially tried first if there is still a dispute over the legality of the evidence.

### Vacation Letter Time

Attorneys need to check their 2015 calendars and remember to timely file vacation letters.

In Harris County, the deadline to file a vacation letter for non-summer months is February 1 and for summer months the deadline is May 15.

In Galveston County, Local Rule 11 says vacation letters must be filed with the District Clerk, the County Clerk and each court in which counsel practices 30 days in advance. However, in reality, a form filed with the District Clerk will be honored as long as the vacation is requested before notice is received that a trial or hearing is set.

[Click here](#) for a Harris County vacation letter request form.

[Click here](#) for a Galveston County vacation letter request form.

### Beware of the New Year: A Mistake in the Year Might Not Be Fixable

Every new year results in mistakes because we are so used to writing or typing "2014" instead of "2015." *Rawlins v. Rawlins*, 324 S.W.3d 852, 855 (Tex. App.-Houston [14th Dist.] 2010, no pet.) is an example of how a mistake in the year used in an order can screw a client and not be fixable later. This case also includes a sublime ass chewing of an attorney for being a sleaze bag. I highly recommend you [click here](#) to read about this case and then check all your orders to make sure they have the correct year.



Griffin recused himself from Quiroga's lawsuit and a new judge has apparently not been appointed by Olen Underwood.

A decision is expected soon in the mandamus action filed by Galveston County against Judge Cox asking that Cox's sua sponte order regarding Quiroga's firing be voided. Andy Mylteka, a partner at Galveston's Greer, Herz & Adams filed an amicus curiae brief bravely supporting Judge Cox. [Click here](#) to read Mytelka's brief, which says in part:

*Mr. Mytelka heads GHA's litigation department. His interest in this mandamus proceeding lies in his practice before Galveston courts, and in ensuring those courts are able to provide efficient, seamless structure and support to the parties and attorneys who appear before them. Interference with the administration of Galveston courts-including the system that provides juries and that manages caseloads-is of paramount concern for local practitioners at GHA, and GHA's clients. If the court's administrative system, including its Director of Justice Administration, may be altered as part of county business, Galveston courts are subject to disruption.*

The county filed a very long and detailed answer to the lawsuit filed by Probate Judge Kim Sullivan complaining that she was robbed of the extra \$5,000 a year she had been paid to be Probate Administrative Judge even though she is the county's only probate judge. The county's answer quotes from a 2011 Attorney General Opinion which seems to say the county can do what it did. As a taxpayer, I question the wisdom of spending tens of thousands of dollars in legal fees to fight a fellow Republican elected official over paying her an extra \$5,000 a year. I also wonder how Judge Sullivan justifies the extra pay to administer herself.

## Je Suis Ahmed

The horrible massacre at the offices of the French magazine *Charlie Hebdo* really upset me on many levels. Brutally making fun of religion is a French tradition, but it is bothersome to Americans who believe in freedom of expression *and* a tolerance of all beliefs, no matter how weird they seem to non-believers. Killing people for expressing unpopular opinions about religion was once the norm, but it is hard for modern Americans of any faith to comprehend today and such barbarity is rejected by the vast majority of Muslims worldwide. The unity of the French people in the face of the terrorism was inspiring, but very sad.



The cover of this week's edition of *Charlie Hebdo* shows a Muslim man holding a sign that says, "I am Charlie" under the caption "All is forgiven." It is not clear why one should assume the cartoon character is supposed to depict the Prophet.



Attorney Greg Enos

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.



I am currently reading *In the Shadow of the Sword: The Birth of Islam and the Rise of the Global Arab Empire* by Tom Holland and such writing is a much more serious threat to the beliefs of Islam than cartoons belittling the Prophet ever could be. This book explains how very little is known about the first 200 years after Mohammed's death and how many modern researchers now question the ancient tenants of Muslim scholarship that supposedly supported the authenticity of the

Hadiths, which are writings and analysis based on reports of the teachings, deeds and sayings of the Prophet. To question the authenticity of the Koran, presumably compiled within 20 years after Mohammed's death, would be the same as questioning whether a man named Jesus ever even lived. This book digs deep into what is known and provable about the origins of Islam and is also a very interesting tale about how the Arabs rose and the Romans fell.

I have a special place in my heart for police officers, so I wrote this to honor a special hero of the tragedy at the offices of *Charlie Hebdo*:



I am not Charlie, I am Ahmed Merabet, the dead Paris police officer. *Charlie Hebdo* ridiculed my faith and culture and I died defending his right to do so. The gunmen shot me in the groin as they left the offices where they had murdered the writers and cartoonists. One of the attackers asked, "Do you want to kill us?" I held up my hand and answered, "No, it's okay friend." One of the gunmen then casually shot me in the head. I was killed by my fellow Muslims for just doing what police officers all over the world do every day - putting my life on the line to protect and defend my fellow citizens. I died because I ran toward danger to help others.

[Click here](#) to read a translation of the short and moving eulogy given by Officer Merabet's brother.

