



The International Journal on the  
Reform of Family Courts

# The Mongoose

Published by Greg Enos

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

## In this issue...

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

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## Congratulations to Newly Board Certified Family Law Attorneys

These Houston attorneys just became Board Certified in Family Law by the Texas Board of Legal Specialization:

Ms. Sara Elizabeth Bloome  
Ms. Katie Ann Custer  
Mr. John Sanford Powell, III (*Pearland*)  
Ms. Lorie Marie Robinson  
Ms. Diane Marie St. Yves  
Ms. Barbara Jean Rice Stalder

Each attorney can now charge more per hour and expect to be asked to contribute more to political campaigns!

I have filed another criminal complaint against Judge Denise Pratt. This time I allege that she committed the crime of tampering with a government record hundreds of times when she made false entries in government records (which is defined to include a court order), as part of her "New Year's Eve Massacre," when she dismissed hundreds of cases without notice or hearing.

[Click here](#) to read my criminal complaint.

[Click here](#) to see the Penal Code Statute it appears Judge Pratt violated.

[Click here](#) to read the first supplement to my criminal complaint.

[Click here](#) to read the second supplement to my criminal complaint.

Study the Dismissal Order below in cause no. 2012-06882 and count how many false statements you can find. This case had been reset for trial six times by Pratt and in December she set the case for trial in late January and told the attorneys the case would be dismissed if it did not go to trial on January 27. Then, as part of her "New Year's Eve Massacre," Pratt dismissed this case and hundreds of other cases using identical orders simply to make her court's statistics look better. No notice of a dismissal docket was sent to the attorneys. There was no dismissal docket even held.

**FILED**  
Chris Daniel  
District Clerk

DEC 31 2013

Time: 9:56  
By: KR  
Harris County, Texas  
Deputy

NO. 2012-06882

✓  
P-1  
EPO  
3

Shear  
VS. Shear

§ IN THE DISTRICT COURT  
§  
§ 311<sup>TH</sup> JUDICIAL DISTRICT  
§  
§ HARRIS COUNTY, TEXAS

**DISMISSAL ORDER**

BE IT REMEMBERED that on the \_\_\_ day of \_\_\_\_\_ this matter came on to be heard, the above numbered and styled cause, where all parties were given notice of the setting date and that failure to appear would be grounds for dismissal, and there being no announcement at the call of the docket, or for some other reason, the Court finds that this cause should be dismissed for want of prosecution.

It is therefore ORDERED that the above numbered and styled cause be and is hereby DISMISSED FOR WANT OF PROSECUTION.

All costs of court are taxed against the party incurring the same.

Signed: DEC 30 2013

D. V. Pratt  
Judge Presiding  
Denise V. Pratt

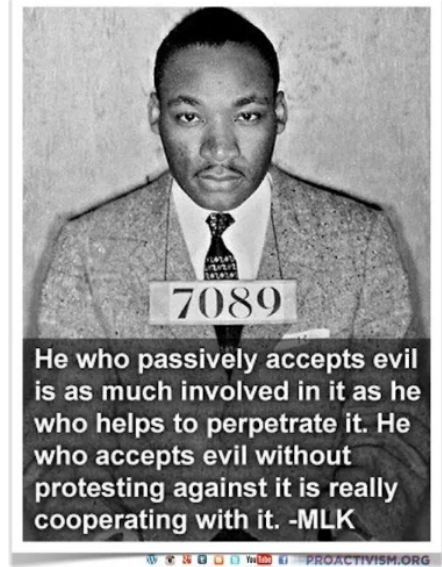
Pratt clearly made a false entry in this court order when she said notice had been sent and there was no announcement at the call of docket when there was not a docket call. Texas Penal Code Sec. 37.10(a) says a person commits the crime of Tampering with Governmental Record if he: "(1) knowingly makes a false entry in... a governmental record..." Sec. 37.01(2)(A) defines a "Governmental record" to mean, "anything belonging to, received by, or kept by government for information, including a court record." A "court record" is defined in Sec. 37.01(1) as a, "decree, judgment, order, subpoena, warrant, minutes, or other document issued by a court of...(A) this state..."

This crazy situation is like a pastor at a mega-church sitting in his office and claiming he just conducted marriages of 631 couples and filling out 631 marriage licenses when in fact the church was empty and no marriages took place. That insane pastor would be guilty of tampering with a government record because he knowingly made false entries in a government document. That is what Pratt did, except she endangered hundreds of children who were protected by temporary orders in those cases she dismissed.

We have all been to dismissal dockets and Pratt has even conducted them. The courtroom is full of dozens of attorneys who must wait hours often for their turn to say why their cases should not be dismissed. There is no way Pratt did not know that a dismissal docket had not been held. The dockets for her court for December 30 and 31 clearly did not include a dismissal docket.

Pratt cannot rely on Harris County Local Rule 3.6 for the Civil District Courts (as she did at a recent Republican luncheon) because, even if that rule applies to a family court, the rule merely says cases are "eligible for dismissal for want of prosecution" if the case has, "been on file for more than eighteen months and [is] not set for trial." Pratt still had to follow the procedures required by the Rules of Civil Procedure and Due Process before she could dismiss cases and she dismissed hundreds of cases that she herself had already set for trial.

Thanks to this judicial insanity, more and more Republicans are calling on Judge Pratt to resign and also spreading the word that she should be defeated in the March primary. [Click here](#) to read the influential Big Jolly Blog that really says why conservative Republicans should be so embarrassed by Pratt.



**Upcoming Campaign Events**

I am going to try to post notices for upcoming campaign functions for all races in Galveston County and family court races in Harris County. Candidates: please send me your notices and I will help get the word out and please stop holding secret exclusive events for just a few big fat cats that us little people are not invited to!

**Party to Re-Elect Kim Sullivan**  
Galveston County Probate Judge  
January 23, 5:30 pm - 8:30 pm  
Palisade Palms  
801 East Beach Drive, Galveston

**The Pratt List of Shame:  
Attorneys Who Donated  
to the Worst Judge in  
Harris County History**

Candidates have filed their reports of political contributions for the period July - December 2013 and we now know who contributed to Judge Pratt's campaign. The real questions is, "Why would anyone who cares about justice or fairness or families or children contribute to Pratt?" We all know the answer unfortunately in our current electoral system. Attorneys contributed to Pratt not because she is a good (or even mediocre) judge. Most attorneys (and some forensic CPA's) gave Pratt money so they could have influence or at least hopefully work on an even playing field.

I am guessing that most of these contributions were made before I filed my first criminal complaint against Pratt and suddenly most folks realized she was in big electoral trouble. However, at a seminar

[Click here](#) to read the full article entitled "Judge Denise Pratt and political payoffs" by Republican David Jennings that begins:

*Judge Denise Pratt is incompetent and should resign or be removed from office. And since it is too late for her to remove her name from the Harris County Republican Party Primary ballot, voters should reject her and put her out to pasture.*

[Click here](#) to read the latest front page Houston Chronicle story about Pratt's New Year's Eve Massacre. [Click here](#) to read the Houston Chronicle political blog about my call for an independent prosecutor instead of her fellow Republican Devon Anderson.

**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 District Clerk Problem Even Worse Than Judge Pratt?

I am a big fan of District Clerk Chris Daniels and I hate it when Judge Pratt and her criminal defense attorney try to distract reporters and voters by trying to blame Pratt's horrible decisions on her clerks. However, I have uncovered a Pratt-related problem with the District Clerk's office that may be even scarier than what is happening in the 311th. I brought this issue to Chris Daniel's attention and as usual he got all over the problem and within a few hours had an answer as to why it happened and explained how it was being fixed. He reports it is an isolated problem that just happens to involve dozens of the dismissal orders Pratt signed at the end of December.

Here is what I discovered that was so scary: Dismissal orders were imaged and connected to the wrong cases. This meant that if you went to Cause no. 2007-70921 in the District Clerk's web site and clicked on the 12/31/2013 Dismissal Order you called up an order from a completely different case. It was a dismissal order from No. 2008-25788. If you went to that case on the web site you saw entries for two different "Motions for Post Judgment DWOP" (improperly named). When you clicked on those two images in 2008-25788 you called up dismissal orders from 2004-41079 and 2012-23612A. When you went to 2004-41079 there was no entry at all about a dismissal, so the attorneys in that case would not know their case had been dismissed. No. 2012-23612A had an image of a dismissal order from a completely different case, 2007-22424A. And so it went... dozens of cases with the wrong orders imaged in the wrong cases.

Mr. Daniels says the errors arose from the processing of two batches of orders that all came from the 311th. It appears that the problem is now fixed. However, my question is how did this happen and why did it take me to discover the issue and bring it to the District Clerk's attention? We are now totally dependent on the District Clerk's web site to see the court's file because there is no paper file any more. How do we know that other orders have not been mis-connected to the wrong cases or not imaged at all? The coding and imaging of motions we are all forced to file via e-filing is done by our staffs in our offices and presumably a clerk checks what we enter before it goes onto the District Clerk's website. However, the coding and imaging of orders and renditions done by clerks at the courthouse must be

last weekend, Pratt's minions were still trying to solicit contributions for her floundering campaign.

It appears that some of Pratt's total contributions exceeded the amount allowed by law. The Texas Ethics Commission website says, "A judicial candidate may not accept political contributions from a person that exceed certain limits in connection with an election. The contribution limits are: ...\$5,000 for candidates for courts of appeals, district courts, statutory county courts, or statutory probate courts if the population of the judicial district is more than one million..."

Here is the **LIST OF SHAME** of those who contributed to Judge Pratt in amounts over \$1,000:

**Bruce Baughman \$3,000**  
**Shannon Boudreaux \$5,581 \***  
Claudia Canales \$1,000  
**Rose Cardenas \$2,000**  
**Cervantes & Cervantes, PC \$2,000**  
Christine Jonte \$1,000  
**George Clevenger \$4,134.22**  
Farias Law Firm \$1,000  
**Ronnie Harrison \$3,000**  
**Harrison Law Office, PC \$5,500 \***  
Law Office of Robert Hoffman \$1,250  
Ronald Hunter \$1,500  
**Joe Indelicato \$2,000**  
**Jacob, Fritsch and Ramos PC \$5,000**  
**Ricardo Ramos \$3,200**  
**John Grubb \$2,000**  
Anne Kennedy \$1,350  
**Harold Levine (Felderman Law Firm) \$5,000**  
**V.G. Levine (Housewife) \$5,000**  
Earle Lilly \$1,250  
**Ronald Lind \$2,000**  
Gregory Lindley \$1,000  
Mark Lipkin \$1,750  
Lohmann Enterprises & Investments \$1,000  
John Maisel \$1,000  
Law Offices of Frank Mann PC \$1,500  
**Jeannie McClure \$2,000**  
Eric Mcferren \$1,000  
Robert Reid McInvale \$1,000  
**Karen McKay \$2,000**  
McLean & Company, PC \$1,000  
Jedediah Moffett \$1,000  
**Bobby Newman \$4,800**  
Leta Parks \$1,000  
Denise Pratt \$1,000  
**Verna Pratt \$5,000**  
Marsha Reed \$1,000  
Janice Rich \$1,000  
Romero Law Firm \$1,000  
Meghann Smith \$1,000  
Itze Soliz \$1,500  
William Stewart \$1,000  
**Celso Suarez \$4,250**  
**Theodore Trigg \$2,000**  
Uzick & Oncken PC \$1,000  
**John Van Ness \$2,000**  
Mary Van Orman \$1,500  
Lacey West \$1,000



accurate or we are all in big trouble. If the temporary orders signed by the judge in my case cannot be found because they were mislabeled and are imaged as part of another case that none of us even knows about, it is going to create some big problems at my enforcement hearing if the judge cannot even see the she signed.

If attorneys and judges cannot count on the accuracy of our new electronic court records system, the integrity of our entire system is in jeopardy. There must be a better, more reliable safeguard than Greg Enos (or his faithful sources who tipped me off to this issue) to make sure the system is working properly.

This snafu in the District Clerk's office does not provide Pratt an excuse for what she has done. She alone decided to dismiss hundreds of cases and lie by stating notices were sent and a docket called when that had not really happened. I do not want to hear her disingenuous defense lawyer cite this problem when the clerks in imaging did not cause Pratt to commit her "New Year's Eve Massacre." If anything, this bad imaging in the clerk's office temporarily helped Pratt because it hid the proof of her wrongdoing.

## Basics of Presenting Evidence 101

I recently won a four day jury trial for my client, a divorcing father, who was seeking primary custody of his six year old son. I had 43 exhibits, some of which were voluminous medical records. My exhibits before trial had been marked, copied and, in the case of the large exhibits, page numbered. My opponent did not have many of her exhibits pre-marked or copied. Her bundles of photographs were not individually numbered. I think the facts won the day for my client, but my staff's preparation of the exhibits certainly made the trial far easier for me and showed both judge and jury I was prepared and had some idea of what I was doing.

Judge Roy Moore in Harris County has specific requirements for exhibits that should be included in the local rules for all courts. Every attorney should follow "Roy's Rules" in trials and hearings:

### **PROCEDURES REGARDING EXHIBITS FOR ALL TRIALS AND HEARINGS**

1. All exhibits **MUST** be marked appropriately: P-1, P-2 or R-1, R-2, etc.
2. Each party **MUST** provide the Court and Court Reporter with an Exhibit List prior to hearing or trial commencing.
3. **DO NOT USE** letters as Exhibit designations: A, B, etc.
4. Before any hearing or trial, you **MUST** have copies of each Exhibit you intend to offer.
5. The original exhibits upon being admitted will be provided to the Court Reporter and will **NOT** leave her possession and control once admitted.
6. You **MUST** have a copy of the Exhibit for the Judge, each opposing counsel, Amicus or Ad Litem Attorney and Pro Se party.
7. Attorneys are solely responsible to ensure and keep track of which Exhibits have been offered **AND** admitted.
8. At the conclusion of any hearing or trial, all attorneys and Pro Se Litigants shall be required to sign a declaration as provided by the Official Court Reporter that all offered and admitted Exhibits are in her possession.

*Thank you for your cooperation.*  
Roy L. Moore  
Judge, 245th District Court

I would add to Judge Moore's procedures:

- Number the pages of exhibits so that during trial you can refer to "Petitioner's Exhibit 16, page 84."
- Always prepare an exhibit list and provide the judge, court reporter and opposing counsel a copy.
- Prepare a notebook of exhibits for the judge, especially in cases where exhibits have been pre-admitted or you know opposing counsel is going to agree to the admission of most exhibits from the start of trial.
- I always try to have an extra copy of these exhibits for the judge: request for relief and proposed property division marked "Judge's working copy" so that the judge can write on that copy during testimony.

**David Wukoson \$5,000**  
Bobbie Young \$1,000

Congratulations to each of these attorneys for courageously participating in a system that has moved from "pay to play" to just "pray something wacko doesn't happen to my client in this court." Each of these attorneys should write Judge Pratt and demand a full refund of their contributions!



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.

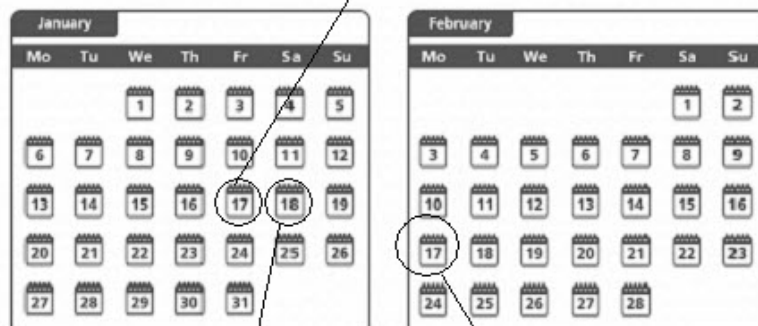


## Counting Forward Instead of Backwards to Calculate Pre-Trial Deadlines That Fall on a Weekend or Holiday

Many Texas attorneys have been using the wrong method to calculate pretrial deadlines if the deadline (e.g. - the 30th day before trial) ends and/or falls on a weekend or holiday.

Consider this example: Trial is set for Monday, February 17, 2014. Thirty days before February 17 is January 18, which is a Saturday.

**Deadline goes to Monday, Jan. 17, 31 days before trial**



**30 days before is Saturday Jan. 18**

**Trial on Monday, Feb. 17**



Does the careful attorney calendar the next Monday, January 20, as the deadline to supplement based on Rule 4, which seems to say that a deadline rolls over to the next day that is not a weekend or holiday? Or, should the prudent lawyer calendar the prior Friday, January 17, because he or she is counting backwards; and, since the 30th day before trial falls on a Saturday, you keep going backwards on the calendar to the first day that is not a weekend or holiday per Rule 4?

**It turns out that Friday, January 18 is the correct answer but only because appellate courts want us to calculate backward deadlines by counting forward.**



Texas Rule of Civil Procedure 4 states in pertinent part:

*In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.*

In *Lewis v. Blake*, 876 S.W.2d 314 (Tex. 1994), the Texas Supreme Court tried to determine if timely 21-day notice under Rule 166a of a summary judgment hearing had been given. Since the notice had been mailed, Rule 21a added three days to the deadline. The court looked to Rule 4 on how to count the 24-day time period and stated that, "Rule 4 could not be plainer: it applies to any period of time prescribed by the rules of procedure, and Rule 166a is one of those rules." This case dealt with a deadline that runs backward from an event. Rule 166a says that the motion for summary judgment, "... shall be filed and served at least twenty-one days before the time specified for hearing." There, notice was mailed on June 21 for a hearing set for July 15. The Supreme Court applied Rule 4 and held, "[t]he hearing on defendants' summary judgment motion in this case was held on the 24th day after it was served, as permitted by the rules, and the court of appeals erred in reaching the contrary conclusion." Note that the court could not say, "the notice was served

24-days before the hearing as permitted by the rules..." In other words, instead of starting with the day of the hearing and counting backwards 24 days, the Supreme Court started with the date the motion was served, counted 24 days forward and determined that 24 days fell on the date of the hearing and, thus, notice was timely.

The Texas Supreme Court in *Sosa v. Central Light & Power*, 909 S.W.2d 893 (Tex. 1995), applied Rule 63 relating to the deadline to file amended pleadings without leave of court at least seven days before trial. The Supreme Court again ended up counting forward just as in *Lewis v. Blake*. The court in *Sosa* faced the question of whether an amended pleading filed on November 10 had been timely filed seven days before the November 17 summary judgment hearing. The Supreme Court applied Rule 4 to count forward from November 10 and did not count that day but started on November 11 as day 1, etc., and determined that November 17 was seven days after November 10. The court did not start with the date of the hearing and count backwards seven days to confirm that the pleading was timely filed.

The Houston 14th Court of Appeals in *Melendez v. Exxon Corp.*, 998 S.W.2d 266 (Tex. App. - Houston [14th Dist.] 1999, no pet.) dealt with the deadline to supplement discovery at least 30 days before trial as required by Rule 166b(6) and also the trial court's scheduling order. Mr. Melendez argued that the 30th day before the July 8th trial date fell on Saturday, June 8, 1996, and therefore, Rule 4 allowed the filing of the supplemental discovery response on the following Monday, June 10, the 28th day before trial.

The 14th Court of Appeals noted that some courts had held that Rule 4 does not apply to deadlines counted backwards but looked to *Sosa* and noted that the Supreme Court had made it very clear that Rule 4 applies to all deadlines. The Melendez court then said:

*"... In Sosa, the Supreme Court applied Rule 4 to the time period in Rule 63, which precludes the filing of pleadings within seven days of the date of trial unless leave of court is obtained. Id. (citing Tex. R. Civ. P. 63). In applying Rule 4, the court counted from the day on which the Sosas filed their amended petition, and held that this day was not counted, but that the seventh day after it was filed was counted. Id. Thus, the court determined that the Sosa's petition was timely filed even though the seventh day was the day of the hearing. Id.*

*Because the supreme court held that Rule 4 applies to any time period prescribed in the Rules of Civil Procedure, we apply it here and count forward, as the Supreme Court did in Sosa. Rule 166b(6) requires supplementation of a discovery response "not less than thirty days prior to the beginning of trial unless the court finds that good cause exists for permitting or requiring later supplementation." Tex. R. Civ. P. 166b(6). Thus, a discovery response is timely under this rule if it is filed 30 days or more before the date set for trial. Melendez did not supplement his discovery response to list Lundgren as a potential witness until June 10, 1996. Applying the procedure from Sosa, the day on which Melendez filed his response is not counted but the thirtieth day after it was filed is counted. See *Sosa*, 909 S.W.2d at 895. The thirtieth day would have been July 10, 1996, two days after trial began. Therefore, Melendez's supplemental response was not filed within the period prescribed by Rule 166b(6).*

The *Melendez* and *Sosa* courts did not calculate a pre-trial deadline that goes backwards from trial the same way a lawyer or legal assistant would. Instead, those courts answered the legal question of whether a specific action was timely by looking at the date the action was taken and then counting forward to see if the pertinent deadline had been met.

In the real world, before trial, and long before any appellate justices start counting dates, a lawyer or legal assistant can comply with these rulings by counting backwards from the trial date, and, if the deadline falls on a weekend or holiday, continue going backwards to the prior weekday that is not a weekend or holiday, which will usually be a Friday. This will always result in a calendared deadline which, if someone checks such deadlines by using the *Sosa* method of counting forward from that day, will comply with the relevant rules of civil procedure.



**Be this guy**