

JUDGE PRATT, PLEASE RESIGN!

Judge Denise Pratt, Please Resign; Fellow Republicans, Please Defeat Judge Pratt if She Does Not Resign

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Ed Hubbard

Over the last 48 hours, this post has gone through a few drafts, as I have tried to restrain my emotions while I address one of the most important issues that the local Republican Party will face this year. The final draft you are reading is much shorter and more restrained, but my message is the same.

In my opinion, Denise Pratt, Presiding Judge of the 311th District Court of Harris County, which only hears family-law disputes, should resign immediately and withdraw from the race for re-election, for the good of the families and children whose futures are placed in her trust, and for the good of our Republican ticket in the fall election.

Over the past quarter century since the judicial scandals revealed by CBS News' *60 Minutes* helped to end over a century of one-party Democratic rule in this state, the modern Republican Party in Texas has built its dominant political position on the foundation of its promise to provide an ethical and competent judiciary. For the most part, we Republicans have kept that promise, and when we have found mistakes, we have done our best to correct them in our primaries.

We now have a mistake of our own making on the 311th District bench, and we must correct it. Our pay-for-play slate endorsement system elevated Judge Pratt's candidacy in the 2010 primary for the open seat, and, as the winner of that primary, our party held her out to the public as competent to serve as the judge of that court. It has become increasingly clear over the last year that our primary-endorsement system produced a regrettable mistake, which is quickly becoming a crisis that requires immediate action.

I do not practice in the family district courts; but I have been a civil litigator in Harris County for over 30 years, know many of the attorneys who practice in these courts, and understand the procedures applicable to the cases in those courts. The combination of the delayed actions, the failure to come to work, the back-dating of orders, the bizarre dismissals without notice, the abusive use of contempt citations, the grand-jury investigation, and the forced recusals, that have been exposed by practicing attorneys, bloggers and the *Houston Chronicle* forms an incredible body of evidence of an unprecedented level of apparent incompetence and disrespect for public office. But most disturbing, is the sheer and utter disregard of the rights of family members caught in this court exhibited by Judge Pratt with her recent dismissal, without notice, of almost 300 cases from her docket, **as reported by the *Houston Chronicle***.

Think about that development—hundreds of cases involving hundreds of families trying to work through moments of turmoil in their lives, who must now incur more expense and turmoil because of these arbitrary actions. Regardless of the quoted spin her lawyer put on this latest action, I have never heard of any judge abusing such power in the 30 years I've practiced law—including the dismissal of cases in which she had been recused and replaced by another judge, cases set for trial, and cases involving lawyers who exposed and questioned her conduct in public. Neither her lawyer's spin, nor her own excuses, sound credible to this lawyer, or to any other lawyer with whom I have discussed this matter. In fact, all of these actions were taken since the revelations about her conduct appeared in the media and she was no-billed by the grand jury—giving the appearance to the public that she has elevated her conduct from just incompetence to a flagrant payback to the bar for bringing her behavior to light.

In response, there are now four well-qualified lawyers running in the Republican primary—an unheard of level of opposition to a sitting incumbent judge from within her own party. All four

support the Republican Party platform, and all four are qualified in family law. Any of these four would make an excellent judge on this bench.

While we voters decide who to vote for in this primary, though, the crisis caused by Judge Pratt's conduct is still affecting families and children every day, and will continue to affect them through the remainder of 2014 even if she loses her re-election bid. The damage must stop—and not just for the sake of these families and children, but for the sake of those Republican judges who have kept our party's generation-old promise by serving with distinction every day, and who deserve re-election this fall. If we Republicans sit back and do nothing in the face of the mounting public record of incompetence of, and damage being done by, Judge Pratt, I have been assured that the Democrats will use Judge Pratt as Exhibit A against the entire Republican Judicial ticket in the fall election.

Unlike those whom Judge Pratt has accused of distorting her record, I think it is pretty clear to any objective observer that I am not now, nor have I ever been a Democrat. I am a life-long Republican, and I am asking Judge Pratt to do the honorable thing now—to please resign immediately, withdraw her candidacy, and allow Governor Perry to replace her with an interim judge who can address the immediate problems in the 311th District Court between now and the election.

However, if Judge Pratt proceeds with her candidacy, she must be defeated in our primary. You would think that the wide-spread acknowledgement of her conduct should seal her fate in our primary, but I am not that confident. Judge Pratt's election in 2010 was the product, in large part, of the dysfunctional endorsement system in our primaries. Dr. Hotze, Gary Polland, and Terry Lowry, virtually alone among party leaders, endorsed Denise Pratt for the 311th District Court in the primary against other more qualified candidates; and it was their endorsements distributed through their mailers that played the largest role in her surprising win in the primary without a run-off. Although Gary Polland has seen the error of his ways and has endorsed one of the other candidates this year, Dr. Hotze has decided to double-down with Judge Pratt. As for Terry Lowry, I can only hope that he does not use his formidable (and profitable) mailing list to repeat the mistake he made in 2010. Given the ridiculous influence these men currently have in our primary, the fate of our Republican ticket this fall may literally hang in the balance of the endorsement decision in one race by one precinct chair with a large mailing list.

And that observation leads me to my final point: regardless of what these three men do now, this episode ought to be the wake-up call to all of us to never again cede control of this party's primary choices to so few people. Enough is enough! This year we have the choice between four better candidates in this primary race: **Donna Detamore, Alicia Franklin, Anthony Magdaleno, and Philip Placek**. Do your homework, and vote for one of these qualified candidates no matter what Dr. Hotze, Gary Polland or Terry Lowry have told you in the past, or

will say to you in this election cycle. The fate of your neighbor's families and children, of the public's continued trust in our party's judicial candidates, and of this party's continued majority status in this State, is still in your hands if you will take the time to properly exercise your most basic right and responsibility.

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About Ed Hubbard

Ed Hubbard is a regular contributor to Big Jolly Politics with political and cultural commentary. He is a local attorney who practices complex litigation and appellate law.

Over the last 30 years, Ed has served as a Republican candidate for public and party offices; as a member, board member and officer of many local civic, religious, and Republicans organizations; as a member of local party committees and as a volunteer with the Republican National Committee's outreach efforts in 2010; as a delegate to precinct, Senate District, and State GOP conventions; and as a volunteer for various Republican candidates' campaigns and fundraising events. In 2009, Ed authored *Creating New Opportunities by Applying Ageless Principles to Local Challenges: A Strategy for Republicans to win future elections in Harris County* (see: Ed Hubbard's Plan for Harris County, TX)