

From: [Mark A Brown](#)
To: [BoardofDirectors](#)
Subject: Board Meeting (Sept. 25) Comments - Opposing Legislative LGBT Proposals in Tabs 16 and 17
Date: Monday, September 21, 2020 10:32:55 PM
Attachments: [Brown letter to SBOT Board and President Sept 21 2020.pdf](#)

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments

Dear State Bar Board of Directors and President McDougal:

I attach my comments as a pdf containing 15 pages, opposing Tabs 16 and 17 of the Legislative Proposals.

Thanks.

Mark Adams Brown

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San Angelo, Texas

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September 21, 2020

State Bar of Texas Board of Directors,
President Larry J. McDougal
1414 Colorado St.
Austin, Texas 78701
Via e-mail to boardofdirectors@texasbar.com

Re: LGBT Legislative Proposals Tabs 17 and 16 -
Board and LGBT Law Section Violating Own Rules,
Harming Best Interest Of Children,
Buried Notice To 105,000 Members

Dear State Bar President McDougal and Board of Directors:

A state bar member since 1982, I strongly object to the controversial policies proposed in Tabs 17 and 16 by the LGBT Law section. Those proposals -

- ... violate the board's own rules by being ideological and political, unmanageable as legislation, pitifully publicized, and divisive,
- ... violate LGBT section's rules by advocating social and political policy,
- ... legislate new genderless categories of parent and mother,
- ... discard the best interest of children by authorizing a same-sex spouse to artificially create motherless and fatherless children for faux "families",
- ... legalize the high-risk venues of male sodomy that endanger the public health, and
- ... refuse to educate youth on the dangers of sodomy.

I. Policy Manual Bars Board From Supporting Tabs 17 and 16

It is not necessary to examine this board's statutory authority,¹ as the board's own Policy Manual² bars it from supporting proposed legislation if any one of four factors exist:

- (i) construable as political or ideological position,
- (ii) cannot be effectively managed during session,
- (iii) inadequate notice to members, or
- (iv) potential for deep division among members.

All four disqualifying factors exist for Tabs 17 and 16.

1. Construable as ideological position. The board's rules forbid supporting legislation if it can "... be construed to advocate political or ideological positions."³ This disqualifies both Tab 17 and Tab 16.

The entire 76-page bill in Tab 17 presents ideological positions - lesbian, homosexual, bisexual, trans-sexual, transgender, genderless ideologies. Most of them are NOT mandated by U.S. Supreme Court decisions. The bill legalizes sodomy between men in all venues, not only private residential settings. It discontinues youth being educated on the dangers of sodomy. The bill stipulates that an "individual", not a mother, gives birth to a child. It allows an unmarried lesbian with no genetic relation to a child, and no court finding of adoptive

¹ Tex. Gov't Code §81.012 Purposes [Of State Bar]; Tex. Gov't Code §81.034 Restriction on Use of [State Bar] Funds.

² SBOT Board Of Directors Policy Manual ("Board Policy Manual"), September, 2018. Part VIII, 8.01.03 (B), (C), and (G).

³ Board Policy Manual, September, 2018. Part VIII, 8.01.03 (G).

parental fitness, to become the child's parent merely by living with the child's mother. Such a grotesque imitation of family, radiating sexual confusion, denying the child a daddy, and discarding the best interest of the child, shrieks ideology.

Tab 16, which calls for deleting the Texas Constitution's statement of the traditional concept of marriage, is political and ideological. It would erase history by removing a dramatic testament to the democratic will of Texans defining marriage, which stood for ten years until suspended by the severe overreach of five lawyers hoping for their own statues, or at least a bust, in their shrine on Second Street. By cancelling the presence of that constitutional provision, which is no longer enforced, LGBT ideology will appear less controversial and more normal.

2. Cannot be properly managed. The board's rules also provide that "No legislative action shall be authorized in the name of the State Bar that cannot be properly and effectively managed."⁴ Since the board proved it could not properly manage the 2018 LGBT proposals in the 2019 session, why should it be able to manage these same proposals re-offered in 2020 for the 2021 session?

What was the mis-management? In 2019, the State Bar's e-mailed legislative session updates to all members repeatedly said the State Bar supported LGBT bill HB 978 (Beckley), yet that bill contained provisions on out-of-state civil unions that had NOT been considered or approved by this Board as part of the 2018 package.

3. Failed notice to membership. The Executive Director has a specific duty to "... publish in the Texas Bar Journal or otherwise give to all members of the State Bar *reasonable notice* of the time, date, and place that legislative proposals will be considered by the Board Legislative Policy Subcommittee *together with* a reasonably *itemized agenda*, which shall *include* the *caption* for each such legislative proposal."⁵ (Bolding, italics added)

⁴ Board Policy Manual, September, 2018. Part VIII, 8.01.01

⁵ Board Policy Manual, September, 2018. Part VIII, 8.01.08 (B) "The Executive Director shall publish in the *Texas Bar Journal* or otherwise give to all members of the State Bar reasonable notice of the time, date, and place that legislative proposals will be considered by the

An eight-line blurb⁶ buried in “News From Around The Bar,” on the next to the last page of the July/Aug 2020 TBJ, is hardly “reasonable notice”. Further, it contained neither “caption” nor “itemized agenda”. ***These omissions should be fatal to all 28 legislative proposals***, not merely the divisive, political, and ideological LGBT bills.

The board has an independent duty in the Policy Manual to see that “adequate notice and opportunity [is] afforded for the presentation of opposing opinions and views”⁷ on legislative proposals. Since the blurb in the bar journal gave no notice of the ideological and political substance of the LGBT proposals, no one even knew to form and present “opposing opinions and views”.

Your legislative approval process is glaringly non- transparent. While you “spam e-mail” bar members about trivial office supply discounts and insurance offers, you e-mail nothing about the caption or substance of 76 pages of LGBT ideology in Tab 17. For this duty to go unfulfilled by lawyers, the guardians of notice and due process, is pitiful.

4. Potential for divisiveness. The board’s rules forbid supporting legislation where there is “potential of deep philosophical or emotional division among a substantial segment of the membership”.⁸ Had proper notice been given to the 105,000 plus bar members by the executive director and the board, the LGBT proposals in Tabs 17 and 16 would have created major philosophical and emotional division.

The 76% of the voters who approved Texas’ 2005 constitutional amendment on the sexual complementariness of marriage included lawyers. The Texas

Board Legislative Policy Subcommittee together with a reasonably itemized agenda, which shall include the caption for each such legislative proposal.”

⁶ The blurb notice in the July/Aug 2020 TBJ, at p. 517, is an exhibit to this letter.

⁷ Board Policy Manual, September, 2018. Part VIII, 8.01.03 (B).

⁸ Board Policy Manual, September, 2018. Part VIII, 8.01.03 (C).

legislators who stopped the sodomy and homosexual parenting bills in 2017 and 2019 included lawyers. Those same lawyers can be expected to hold traditional views disapproving of sodomy, opposing two women creating a fatherless child, opposing the concept of two mothers or two fathers for the same child, opposing the genderless (or trans-sexual) idea that an individual, not a woman, gives birth to a child, and opposing the idea that a lesbian with no genetic relationship or adjudicated parental fitness can circumvent adoption laws and acquire parental rights over a child.

The only reason there is no marked division now is that the board and the executive director have kept the 105,000 plus members in the dark.

II. By-laws Prohibit LGBT Law Section From Offering Tabs 17 and 16

1. Section rules bar social or political policy advocacy. The LGBT Law section's own rules forbid it to advocate social or political policy ! The Board created and oversees the LGBT Law section, and has a duty to see that the section obeys its own bylaws. The LGBT Law section's by-laws⁹ state in Section 8.3, Miscellaneous Provisions:

No positions may be taken by the section or its membership in the name of the section that advocates or advances a *political or social policy* position. (italics added.)

Yet, Tab 17's profuse social policy positions include cancelling youth education on the dangers of sodomy, legalizing sodomy in commercial venues, legislating fatherless, two-mother parenting, the intentional creation of motherless children, letting a mother circumvent adoption law by unilaterally appointing her lesbian live-in as the child's second parent, and legislating that a child is born from an individual, not a mother. These disqualify Tab 17 from consideration. Tab 16 is also social policy, as it would amend the Texas Constitution to delete the

⁹ <http://lgbtlawtx.com/wp-content/uploads/2017/03/Bylaws-Final-2010.pdf>?page_id 49
Last accessed on July 29, 2020.

citizenry's social policy view of homosexual marriage. None of these proposals are mandated by federal courts, as is discussed below.

2. 76-page bill is not mandated by *Lawrence*¹⁰ or *Obergefell et al.*¹¹ You might hear an argument that the section is not advocating social or political policies but merely asking that federal mandates be codified. Such an argument would be false. When I appeared before the Legislative Policy Subcommittee in August 2018 to oppose the same Tab 17, a director said the LGBT Law section was contending¹² that the entire 76-page bill was merely putting into law what the U.S. Supreme Court had ordered on same-sex marriage and sodomy, so that the bill did not change social policy. I replied that contention was plainly not true.

On its face, most of the 76-page bill in Tab 17 is not required by U.S. Supreme Court decisions. (Please note that, read closely, the LGBT Law section's written explanation of the bill never claims that all of the 76-page bill is *necessary* to comply with federal courts.) The bill does far more than impose same-sex marriage and legalize sodomy in private residential settings. The bill:

... enables an *unmarried* woman to be legally presumed the second “mother” of a child by merely living in the child's household for the child's first two years and claiming to be the child's parent.¹³ This *unmarried* woman would be able to circumvent the adoption law and obtain a parent's rights over the child even though she had no genetic relationship with the child and had not proven her

¹⁰ *Lawrence v. Texas*, 539 U.S. 558 (2003).

¹¹ *Obergefell v. Hodges*, 135 S. Ct. 2071 (2015); *Pavan v. Smith*, 582 U.S. ___, 137 S. Ct. 2075 (2017).

¹² The director explained that the LGBT Law section was claiming that the Legislative Council attorney who drafted the 76-page bill had opined that it merely implemented U.S. Supreme Court mandates. That alleged opinion, given to the legislator who requested the draft four years ago, would have been confidential, so the legislator would have had to disclose the drafter's opinion to a third party, and now, four years later, we must assume additional hearsay permutations, which makes the hearsay within hearsay within hearsay opinion useless.

¹³ 76-page bill, p. 21, ln 19-22, amending Tex. Fam. Code §160.204 (a) (5).

parental fitness to an adoption court,

... enables two *unmarried* women, only one of whom will be genetically related to the child, to become parents by “reciprocal IVF” in which one donates her eggs to be fertilized in a lab and the resulting embryos are transferred to the other woman’s uterus,¹⁴

... includes a genderless (or trans-sexual) amendment that stipulates an “individual”, instead of a woman, gives birth to a child, and creates a genderless “parent-child relationship” instead of a mother-child relationship,¹⁵

... expands the definition of parents beyond “father” and “mother” to include a new genderless category called “parent”,¹⁶ which apparently is intended to cover a lesbian who lives with the mother,

... replaces the terms “husband” and “wife” with “male spouse” and “female spouse”¹⁷ perhaps to minimize the distinctive and valuable characteristics that a husband and wife bring to rearing their children, which same-sex couples lack, and to imply that spouses are fungible,

... removes schools’ duty to educate young Texans on the risks of homosexual conduct and lifestyle,¹⁸ and

... legalizes sodomy in any venue, not just a private residential setting such as that in *Lawrence*.

¹⁴ 76-page bill, p. 41, ln 24 to p. 42, ln 3, amending Tex. Fam. Code §160.7031.

¹⁵ 76-page bill, p. 19, ln 26 to p. 20, ln 1, amending Tex. Fam. Code §160.201 (1).

¹⁶ 76-page bill, p. 8, ln 24 to p. 9, ln 2, amending Tex. Fam. Code §101.024.

¹⁷ 76-page bill, p. 41, ln 17-20, amending Tex. Fam. Code §160.703.

¹⁸ 76-page bill, p. 59, ln 9-10, amending Tex. Health and Safety Code §85.007 (b) (2), p. 63, ln 17-19, amending Tex. Health and Safety Code §163.002 (8).

III. Opposition On The Merits to Tab 17, a 76-page bill¹⁹ Amending Parenting, Sodomy and Marriage Statutes

1. No prima facie justification given for bulk of bill. The LGBT Law section's explanatory memo for Tab 17 and Tab 16 only addresses small portions of its 76-page bill. The memo discusses the portions on adult relationships of sodomy and homosexual marriage as explained in *Lawrence* and *Obergefell*, but does not substantively explain or justify the bulk of the 76 pages of changes, which mostly deal with third parties - children.

2. Sacrificing the best interest of the children. One of the bill's gravest efforts at human re-engineering is allowing married lesbians to create fatherless children and married homosexual men to create motherless children, which are acts of irreparable child abuse. A child's right to be born to a father and a mother is historical, traditional, fundamental and inalienable.

The bill lets lesbians use assisted reproduction,²⁰ including a gestational agreement surrogate,²¹ to create fatherless children. The bill allows men also to use a gestational agreement surrogate by means of the bill's "wildcard" status for same-sex spouses (see footnote 24 below) that would let men qualify as "intended mothers" under Tex. Fam. Code §160.756 (b) (2).

The bill also injures children by subjecting a child to the legal control of a second "mother" who is not a genetic parent, is not an adoptive parent whose fitness was approved by a court, and lacks the attributes of a complementary parent (a father). The bill does this by:

... enabling an unmarried lesbian to be presumed a second mother of a fatherless child by living with the genetic mother for the child's first two years and

¹⁹ The bill identifies itself at the bottom of each of 76 pages as "85R1060(1) KSD".

²⁰ 76-page bill, p. 20, ln 15-16, amending Tex. Fam. Code §160.201 (6); p. 42, ln 11-12, amending Tex. Fam. Code §160.704 (a).

²¹ 76-page bill, p. 45, ln 19-20, amending Tex. Fam. Code §160.756 (b) (2).

claiming to be the child's parent,²² and by

... enabling a married lesbian to have presumptively made herself a second mother of a fatherless child by (i) being married to the mother when the child was born or (ii) having married the mother after the child was born and placed her name on the birth certificate.²³

The bill also:

... confers on a "same-sex spouse", in the name of being "gender-neutral", a bisexual wildcard status that lets the same-sex spouse claim the rights granted both fathers and mothers, and husbands and wives, throughout the Family Code,²⁴

... expands the definition of parents beyond "father" and "mother" to include a new genderless category called "parent",²⁵ apparently to cover a lesbian who lives with the child's mother,

... renders a mother genderless, perhaps to promote trans-sexuality, by providing that an "individual", instead of a woman, gives birth to a child, and that a "parent-child" relationship, instead of a mother-child relationship, results,²⁶

²² 76-page bill, p. 21, ln 19-22, amending Tex. Fam. Code §160.204 (a) (5).

²³ 76-page bill, p. 20, ln 21-24, amending Tex. Fam. Code §160.204 (a) (1). If not rebutted, the presumption establishes the parent-child relationship. 76-page bill, p. 20, ln 7-8, amending Tex. Fam. Code §160.201 (3).

²⁴ 76-page bill, p. 1, ln 10-14, adding a new Tex. Fam. Code §1.0015: "Construction Of Gender-Specific Terminology. When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender." Also at p. 7, ln 18-22, adding a new Tex. Fam. Code §51.015; and p. 8, ln 3-7, adding a new Tex. Fam. Code §101.0012.

²⁵ 76-page bill, p. 8, ln 24 to p. 9, ln 2, amending Tex. Fam. Code §101.024.

²⁶ 76-page bill, p. 19, ln 26 to p. 20, ln 1, amending Tex. Fam. Code §160.201 (1).

... contemplates *multiple* intended mothers for a surrogate-birthed child,²⁷

... contemplates a child having more than one mother-child relationship or father-child relationship,²⁸

... for gestational agreements, replaces “the father-child relationship” and “the mother-child relationship” with multiple generic “parent-child” relationships for two fathers or two mothers,²⁹ and

... contemplates a child having two mothers or two fathers who would alternate possession on mother’s/father’s day.³⁰

3. Public health justifies merely amending, not repealing, sodomy laws. Sodomy between two men in a private, residential setting was the fact situation in *Lawrence*. Texas need only amend Tex. Penal Code §21.06 to allow that limited class of sodomy, while continuing to ban the far more random, fleeting, promiscuous, and high-risk sodomitical behavior in commercial settings, such as bathhouses, bars, and sexually oriented businesses, and in public parks and other public places.

That latter behavior is what brought the HIV/AIDS epidemic to the US and maintains the largest reservoir of HIV in the country.³¹ It is instructive to note that

²⁷ 76-page bill, p. 45, ln 19-20, amending Tex. Fam. Code §160.756 (b) (2).

²⁸ 76-page bill, p. 9, ln 13-15, amending Tex. Fam. Code §101.025.

²⁹ 76-page bill, p. 43, ln 25 - p. 44, ln 7, amending Tex. Fam. Code §160.753.

³⁰ 76-page bill, p. 15, ln 4-5, adding a new Tex. Fam. Code §153.318.

³¹ “More than 600,000 gay and bisexual men are living with HIV in the United States.” CDC, “HIV Among Gay And Bisexual Men”, Feb. 2018, last accessed at <https://www.cdc.gov/hiv/group/msm/index.html> on August 7, 2018. “An estimated 1.1 million people in the United States were living with HIV at the end of 2015” CDC, “HIV Basics”,

HIV did not inundate East Germany like it did the U.S. in the mid-1980s, because communist East Germany did not allow bathhouses, bars, and sexually oriented businesses as sites for sodomitical activity.³² Male sodomy's damage to U.S. public health includes dooming the CDC's national plan to eradicate syphilis. While the CDC came close to eradicating syphilis in other demographic groups, it ultimately admitted defeat in the face of skyrocketing syphilis infections among male sodomists.³³

In the U.S. today the CDC reports that 70% of new HIV infections are from men sodomizing men.³⁴ Cellphone apps for sodomy hookups further aggravate the situation.³⁵ Retaining and enforcing a state law against sodomy in commercial settings, such as bathhouses, bars, and sexually oriented businesses, and in public parks and other public places, would protect the public health and restrain the HIV/AIDS epidemic and syphilis transmission in Texas, while complying with *Lawrence's* holding on its facts.

last accessed on August 7, 2018 at <https://www.cdc.gov/hiv/basics/statistics.html>.

³² "Why Did AIDS Ravage the U.S. More Than Any Other Developed Country? Solving an epidemiological mystery," by Michael Hobbes May 12, 2014, <https://newrepublic.com/article/117691/aids-hit-united-states-harder-other-developed-countries-why>. Last accessed on August 15, 2018.

³³ CDC, Report of Syphilis Elimination Effort Consultation, August 1-2, 2005; CDC, STD Prevention Conference, May 8, 2006; 315 Clement, M., Hicks, C., "Syphilis On The Rise What Went Wrong?", J.A.M.A., No. 21, June 7, 2016.

³⁴ CDC, "HIV Among Gay And Bisexual Men", Feb. 2018, last accessed at <https://www.cdc.gov/hiv/group/msm/index.html> on August 5, 2018.

³⁵ "Relative to those who used only non MSM-specific apps, MSM-specific app users reported more sex partners and condomless anal sex partners, greater perceived risk of HIV, more engagement in sexual health services, and greater odds of HIV testing. ... Use of MSM-specific apps was not uncommon among this sample of [adolescent] MSM. Patterns of risk behavior and HIV testing were similar to samples of adult MSM app users." Macapagal, K., et al., *Hookup App Use, Sexual Behavior, and Sexual Health Among Adolescent Men Who Have Sex With Men in the United States*, 62 Journal of Adolescent Health 708-715 (June 2018).

4. Texas must continue teaching the clear-eyed truth about sodomy.

The bill would abolish educators' duty to warn youth of the perils of sodomitical lifestyle.³⁶ Students must learn of the dangers of sodomy *before* the students experiment. Sodomy easily becomes habitual, then compulsive, then addictive. Once the activity reaches the habitual stage, education loses its effectiveness.³⁷

Youth should understand that most people view sodomy between men as degrading, disgusting, disease-ridden and sometimes deadly. They should know that male sodomy, by spreading HIV/AIDS across the U.S., has killed more young Americans³⁸ than died in combat in World War II defeating the Third Reich and the Empire of Japan.³⁹

They should learn that most of \$26 billion the federal government spends annually on HIV/AIDS is for HIV-suppressing drugs and other support for persons living with HIV,⁴⁰ that staying on a multi-drug HIV treatment plan can be difficult,⁴¹ and that a lifetime sentence of juggling antiretroviral regimens can be challenging as HIV mutates to develop resistance against each regimen.

Students should learn that male sodomy carries not only the unforgiving risks of HIV/AIDS but also gay bowel syndrome, hepatitis, fecal incontinence,

³⁶ 76-page bill, p. 59, ln 9-10, amending Tex. Health and Safety Code §85.007 (b) (2), p. 63, ln 17-19, amending Tex. Health and Safety Code §163.002 (8).

³⁷ Satinover, Dr. Jeffrey, M.D., *Homosexuality And The Politics Of Truth*, 1996, pp. 141-143.

³⁸ <http://www.cdc.gov/nchhstp/newsroom/docs/CDC-MSM-508.pdf>
CDC Fact Sheet HIV Among Gay And Bisexual Men March 2015
"Since the beginning of the epidemic, more than 360,000 MSM with AIDS have died."

³⁹ <http://www.shmoop.com/wwii/statistics.html> "Estimated number of U.S. soldiers, sailors, airmen, and marines killed in battle during World War II: 292,000."

⁴⁰ <https://www.kff.org/global-health-policy/fact-sheet/u-s-federal-funding-for-hivaids-trends-over-time/> Last accessed Sept. 21, 2018.

⁴¹ <https://www.cdc.gov/hiv/basics/livingwithhiv/treatment.html>

colon perforation, anal cancer, throat cancer, and syphilis, gonorrhea, and chlamydia.⁴² Students should be informed that the risk of syphilis, gonorrhea, and chlamydia is so great among sodomists that the CDC recommends sodomists be screened for those diseases at least once every year and if they have more than one partner that they be screened every 3 to 6 months.⁴³

IV. Opposition On The Merits to Tab 16, a Joint Resolution regarding the Texas Constitution

1. Respecting the people's expression of their will. Tab 16's proposed Joint Resolution asks Texas voters to repeal their 2005 constitutional amendment that affirmed the historical understanding of marriage as sexually complementary. Voters in every county (except Travis) approved that 2005 amendment. Statewide voter approval was 76%.⁴⁴ It is logical and reasonable to withhold the institution of marriage from homosexual men - who almost all believe marriage does not require sexual fidelity.

Texans should be able to express and engrave their views on such fundamental questions, even if five justices in the District of Columbia won't allow the citizens' sovereign will to be enforced. Since 2015, homosexual "marriages" are occurring; Tex. Const. art. I, §32 is not being enforced. But there is great value in Art. I, §32 standing as a reminder of the tyranny of immoral, unprincipled U.S. Supreme Court excess.

2. Risk of misleading Texans. An endorsement by this Board will likely mislead Texans, however inadvertently, into thinking that the law *requires* the Constitution to be amended and that citizens *must* approve the amendment. That is not the case, as the State was merely "enjoined from enforcing Texas's laws

⁴² Satinover, Dr. Jeffrey, *supra*, at 67-68.

⁴³ <https://www.cdc.gov/std/sam/std-hiv-screening.htm>

⁴⁴ <https://www.politifact.com/texas/article/2015/jun/26/gay-marriage-ruling-texas-voters-agreed-marriage-b/>

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prohibiting same-sex marriage”.⁴⁵

3. Avoiding serial amendments. Because the U.S. Supreme Court’s *Obergefell* reasoning was so vacuous, and that Court’s summary reversal in *Pavan v. Smith*,⁴⁶ so vague, these cannot be reasonably relied on as even semi-permanent law. They might well be overturned, which would make hastily amending the Texas Constitution wasted effort.

Respectfully yours,



Mark Brown SBN 03153280

MB:mb

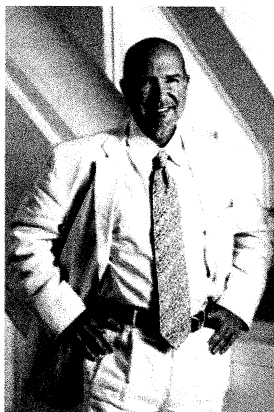
cc: Texas Supreme Court Liaison

⁴⁵ Final Judgment signed July 7, 2015, after remand in *De Leon v. Perry*, 975 F. Supp. 2d 632, 665 (W.D. Tex. 2014), *aff’d*, 791 F.3d 619 (5th Cir. 2015).

⁴⁶ *Pavan v. Smith*, 582 U.S. ___, 137 S. Ct. 2075 (2017).

Former State Bar of Texas director honored with ABA pro bono award

G. Allan Van Fleet, who served on the State Bar of Texas Board of Directors from 2005 to 2008, will be awarded a 2020 Pro Bono Publico Award by the American Bar Association at its upcoming virtual ABA Annual Meeting. The Pro Bono Publico Awards are the top honors given by the ABA Standing Committee on Pro Bono and Public Service. They honor individual lawyers, law firms, and corporate law departments for demonstrating outstanding commitment to volunteer legal services for the poor and disadvantaged. Van Fleet is an antitrust, litigation, and legal ethics lawyer based in Houston and Galveston. His pro bono work dates to 1976 while he was a student at Columbia Law School. According to his resume, he retired in July 2017 after 40 years of practice, including as a senior partner in Vinson & Elkins, Greenberg Traurig, and McDermott Will & Emery. He now handles pro bono cases and serves as an expert witness in antitrust, litigation, and legal ethics matters. The other national individual winners are Leah Godesky, of O'Melveny & Myers, and Neil Steiner, of Dechert, both from New York.



LEGISLATIVE SUBCOMMITTEE TO MEET

The State Bar Legislative Policy Subcommittee is tentatively scheduled to meet August 13-14, 2020, to discuss all legislative proposals that have been properly submitted for consideration by the committee. To read the proposals, for details on the meeting date and location, or for instructions on how to provide comments to the committee, go to texasbar.com/legislativeprogram or contact the State Bar Governmental Relations Department at govt.relations@texasbar.com or 800-204-2222, ext. 6826.

BILL KROGER IS NEW HOUSTON BAR ASSOCIATION PRESIDENT

Bill Kroger, of Baker Botts, took office as the 2020-2021 Houston Bar Association president on May 12, succeeding Benny Agosto Jr. Along with a new president, the Houston Bar elected new officers, including President-elect Jennifer A. Hasley, First Vice President David Harrell, Second Vice President Diana Gomez, Treasurer Chris Popov, and Secretary Daniella D. Landers. Agosto will serve on the board as immediate past president. Kroger's focus includes forging strategic partnerships to help Houston recover from the COVID-19 pandemic, providing enhanced services as HBA members meet new challenges in the practice of law, and increasing pro bono service to low-income Houstonians facing issues tied to the pandemic. At Baker Botts, where he has practiced law his entire 31-year legal career, Kroger has chaired the Energy Litigation Practice Group for over a decade. He has represented the oil and gas, power, renewable, and real estate industries and has been recognized for his work by several law publications and ranking services. Among Kroger's accolades is the Karen H. Susman Jurisprudence Award, which he won in 2020 for exhibiting exceptional commitment to equality, justice, fairness, and community service. In 2017, he was elected to the American Law Institute. Two years later, Kroger received the Leon Jaworski Award from the Houston Bar Association Auxiliary for a lifetime of public service. For more information, go to hba.org.



U.S. 5TH CIRCUIT CHIEF JUDGE TO KEYNOTE HEMPHILL DINNER

U.S. Court of Appeals for the 5th Circuit Chief Judge Priscilla R. Owen will be the keynote speaker at the Texas Supreme Court Historical Society's 25th Annual John Hemphill Dinner at 7 p.m. CDT on September 11. For the first time ever, the dinner will be held virtually because of concerns surrounding COVID-19. Prior to her confirmation to the federal bench in 2005, Owen served for a decade on the Texas Supreme Court. First elected in 1994, she was just the second female justice to be elected to the court in its history. More details about accessing the broadcast will be released closer to the date. For more information about the event, go to texascourthistory.org/hemphill or email tschs@sbcglobal.net.

JUDGE SIDES WITH STATE BAR OF TEXAS IN MANDATORY DUES LAWSUIT

On May 29, Judge Lee Yeakel, of the U.S. District Court for the Western District of Texas, granted the State Bar of Texas' cross-motion for summary judgment in *McDonald v. Sorrels*, in which three lawyers sued the State Bar, challenging the requirement that they join the State Bar and pay mandatory dues in order to practice law. The plaintiffs have filed a notice of appeal to the U.S. Court of Appeals for the 5th Circuit. "We are very pleased with Judge Yeakel's measured and thoughtful decision," 2019-2020 State Bar President Randy Sorrels said in a statement. "Almost six decades of U.S. Supreme Court precedent supports the constitutionality of the unified bar structure. This is reinforced by the recent decisions of the court to deny the plaintiffs' petitions for certiorari in *Fleck v. Wecht* and *Jarchow v. State Bar of Wisconsin* challenging mandatory membership in the state bars of North Dakota and Wisconsin. The State Bar of Texas is carrying out its statutory obligations by regulating the legal profession and improving the quality of legal services in Texas."

From: [Shawn Hall Lecuona](#)
To: [BoardofDirectors](#)
Subject: SBOT Meeting September 25, 2020 -- Agenda items #4, 13, 14-15B, 18 and 26 in the Mission of the SBOT
Date: Tuesday, September 22, 2020 7:13:30 AM
Attachments: [Shawn Hall Lecuona.vcf](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

To members of the SBOT, including the Board's Audit & Finance Committee Chair,

I asked one of you to be a Friend to one in need of a friendship.

To even speak the Truth in Love to all men.

Yet you wanted to extract more.

Again, here is your more:

Your statement has remained unchanged clearly evident for all to see and know who has been forgotten and left out of the mission.

"The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law."

It is no wonder why it has been so challenging for "We The People" to pray for you seeing the good when you have not been willing and obedient.

My Advocate always keeps in mind a-I-I.

Therefore, I will not worship false gods, nor idolize philosophies, nor entertain vain imaginations or doctrines of lawyers, but, I will continue to follow the Rule of Law and eat from the good of the land.

In honor of a Ruth, I dissent.



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: To sign up to speak during the meeting, please email amy.starnes@texasbar.com or call 800-204-2222, Ext. 1706 (toll free) before 5 p.m. CDT September 24. Please provide the agenda item number you wish to speak on. Written comments must be received ...
Date: Tuesday, September 22, 2020 11:34:36 AM

From: Bob Bennett <[REDACTED]>
Date: Tuesday, September 22, 2020 at 10:59 AM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Cc: Bob Bennett <[REDACTED]>, Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Subject: To sign up to speak during the meeting, please email amy.starnes@texasbar.com or call 800-204-2222, Ext. 1706 (toll free) before 5 p.m. CDT September 24. Please provide the agenda item number you wish to speak on. Written comments must be received by 5 p.

*** State Bar of Texas External Message *** - Use Caution Before Responding or Opening Links/Attachments

Attention Texas State Bar Board of Directors

Dear Gentlepersons,

The notice presented below was posted on my Facebook site and reaches about 5,000.00 Facebook "Friends". I hope that the Directors of District Four and all the Directors and SBOT Staff will start supporting SBOT President McDougal and encourage involvement in the Task Forces he is proposing. To forgive is to act with the Divine and the last two Special Directors Meetings left lots of room for forgiveness. Starting on the 25th, I hope we can make some real progress. Best wishes as you try and lead the Bar to better pastures.

Sincerely,
Robert S. Bennett

You received a notice from the State Bar of Texas(noted below) to all Bar Members that the Board Of Directors will be meeting at 9:00 AM on Friday, September 25, 2020. SBOT President Larry McDougal will be presiding and there will be no more talk of his resigning or being muzzled. We are all in agreement that some of his years-ago emails were deplorable and others unnecessary. He has apologized for his insensitivity and is making amends by proposing various Task Forces that will help all Bar Members address pressing issues. He has taken other steps to become more aware of his duties. IF you still think he needs to do more(and we all can do more to promote racial reconciliation and racial justice) then, email him at [REDACTED]. AND watch the Directors' meeting. At the last Special Board Meeting, a variety of opinions were voiced over the email issues, resignation, and not allowing the Bar President to speak on behalf of the Bar, and the ABA Rule. The Dawson Motion was withdrawn concerning the SBOT President as the spokesperson. We now need to move forward and do the hard work of making the Bar inclusive, addressing systemic racism, reform our grievance system, improve health coverage, provide better health care, improving the Ethics Hotline, seeking approval of another attorney to be added to TLAP, State-wide Court

Entrance badges, vacation letters recognized by all courts, additional funding for the Unauthorized Practice of Law Committees, and your additional suggestions on how we can improve the Bar. You can send an email to the address noted below but it has to be sent by 5:00 pm today. You can sign up to voice your opinion, if done by the 5:00 pm on the 24th. We had significant participation at the last two Special Board of Directors meetings and this member oversight of what the Directors try to accomplish at their meetings encourages accountability and lets the Directors know we are watching. The stones, pebbles, and bricks have now been thrown, and it is time now to support President McDougal and continue to work to improve the Bar.
Bob Bennett.

Bob Bennett, Attorney and Counselor at Law

<https://www.youtube.com/watch?v=39QD1-gyph8>

Robert S. "Bob" Bennett

B.A. M. A. & J.D.

Adjunct Professor, Lone Star College – North Harris.

Business Law and Ethics

Licensing Services for Professionals

Compliance Programs

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Houston, Texas 77002

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Twitter: @BarristerBob

Pinterest: Robert Bennett

YouTube: BobBennett: (<https://www.youtube.com/channel/UCudIJd-6LnbzjEFsezPfP4w>)

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Amy and Friday's board meeting...
Date: Tuesday, September 22, 2020 7:22:53 PM

From: Rich Robins <[REDACTED]>
Organization: TexasBarSunset.com
Reply-To: "R [REDACTED]" <[REDACTED]>
Date: Tuesday, September 22, 2020 at 4:16 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Amy and Friday's board meeting...

*** State Bar of Texas External Message *** - Use Caution Before Responding or Opening Links/Attachments

Hi Amy:

I hope this finds you well. I understand that the deadline to submit a timely written submission for this Friday's board meeting is today at 5p.m., right? If so, here's mine. I'm also interested in calling in if and when the relevant items come up this Friday, too, if that's possible. My telecom. services are finally repaired from electrical storm chaos of earlier this summer. Sorry 'bout those. Thanks again to you, Lowell, and the board chairperson for your patience with me on that very challenging front. Anyhow here's my written submission:

—

Doesn't grievance reform (<http://www.TexasBarSunset.com/reforms>) need referendum approval to get enacted? It seems that it does. Why not postpone launching any (costly) rules referendum until grievance reform has made progress on the Texas Bar board approval front, then? It's better to consolidate the referendums, save money and attorney member time, isn't it? We can wait for grievance reform to be added to the referendum list. It won't be much longer before that topic's available for a referendum vote too, will it?

Meanwhile, is the Board going to consider submitting a referendum to the membership that would potentially make it possible for the Texas Bar's Office of the Chief Disciplinary Counsel to approvingly rubber stamp federal judges' findings against attorneys? As you know, some judges are not above acting like former Galveston federal judge Samuel Kent. Would you really want to wish such a risk on the Bar's (compulsory) membership? Isn't it true that federal judges and other federal entity directors are basically unelected and not easy to hold accountable? The penalties they inflict upon attorneys aren't subject to many, if any, checks & balances either, are they? Furthermore, some such judges and directors are politically motivated to punish attorney adversaries of those who got them in power, or who could eventually reward them with golden parachutes, aren't they? I worked in Washington D.C. for 6+ years and determined that it's prudent to scrutinize federal encroachments on beloved Texas. You've seen the federal debt that they expect us to keep financing for them, haven't you? <http://www.USDebtClock.org>. Might the Texas Bar's former membership director Kathy Holder be working for the feds nowadays? It sure seems like it.

Anyhow, why not keep federal sanctions independent of state bar ones? Otherwise it would become even harder for Texans to find lawyers who are willing to represent them in federal court or before federal entities, wouldn't it? You don't want that, do you? If you do, why do you want that? Such a reform might benefit nonTexan law firms seeking to poach away clients in Texas, but is that scenario good for beloved Texas? Most Texans would probably prefer to stay with a trusted lawyer, even if that lawyer lacks experience in front of federal entities. Why disrupt such cherished attorney / client relationships? Do you want to stifle economic growth that could otherwise result if fewer Texans feared the federal government's wrath and adverse impacts upon their most trusted lawyers? Please think this reform proposal through before even letting it see the light of day in a costly referendum. Why not seek the sources of such a referendum proposal and determine if client-poaching motives from out-of-state might be behind it? Thank you for your consideration.

Sincerely,
Rich

(***Rich Robins is a Texas-based, bilingual litigator of contract disputes, statewide. Although he has never been publicly or privately sanctioned by any bar authority in any state or country, Rich finds the current Texas attorney disciplinary system to be counterproductively potentially hazardous for well-meaning attorneys, and also unnecessarily cost-increasing for honest clients. All of Rich's Sunset-related and Texas Bar-policing work is proudly done strictly as an unpaid volunteer.)

Rich Robins, Esq.
Editor, <http://www.TexasBarSunset.com>

Houston, TX 77006-2380

Tel. [REDACTED]

From: [Tonya Parks](#)
To: [BoardofDirectors](#); [Amy Starnes](#)
Subject: Tonya Parks public comment speaker for Friday, Sept 25.
Date: Tuesday, September 22, 2020 4:58:43 PM
Attachments: [Tonya Parks Document for Exposing InJustice in Collin County for Report Review 5 pages \(AutoRecovered\).pdf](#)
[Exhibit A Bennie Gibson Affidavit filed 8 24 2016.pdf](#)
[Exhibit B Tonya Parks response to John Browning objection to Bennie Gibson Affidavit.pdf](#)
[Exhibit C Transcript Hearing 6-13-2016.pdf](#)
[Exhibit D Recusal for Judge Rosales.pdf](#)

*** *State Bar of Texas* External Message *** - Use Caution Before Responding or Opening Links/Attachments

Hello,

Please see the attached document from Tonya Parks is who going to be a member from the public to speak at the Friday, September 25, 2020, Board of Directors Meeting.

If needed, I can scan these document into one document. I just wanted to make sure I meat the deadline before 5:00 today. Thank you and feel free to contact me with any questions.

Best Regards,
Tonya Parks


I pray that you see me as you read this document as “GOOD TROUBLE” as I am a woman standing for our democracy against the systems, institutions, and people within our government that are denying it and destroying its integrity for the public trust.

Tonya Parks - [REDACTED] - [REDACTED]

Original Case # - Dallas County: CC-15-04540 – Filed on: Sept. 2, 2015 – status: Closed

Appeal Case # - Dallas County 5th Court of Appeals: 05-16-00784-CV – Filed on: July 6, 2016 – status: Closed

Bill of Review - Filed to attack the Fraud Case # – Dallas County: CC-19-01614-B – Filed on: March 13, 2019 – status: **Open**

Legal Malpractice Case # – Dallas County: DC-18-08379 – Filed on: June 27, 2018 – status: Transferred to Collin County Case # - 471-00687-2019 – **Pending**

“Fight for the things that you care about, but do it in a way that will lead others to join you.”

“We live in an age in which the fundamental principles to which we subscribe - liberty, equality, and Justice for all - are encountering extraordinary challenges, ... But it is also an age in which we can join hands with others who hold to those principles and face similar challenges.”

“My mother told me to be a lady. And for her, that meant be your own person, be independent.”

“I didn't change the Constitution; the equality principle was there from the start. I just was an advocate for seeing its full realization.”

“Whatever community organization, whether it's a women's organization, or fighting for racial justice ... you will get satisfaction out of doing something to give back to the community that you never get in any other way.”

“Generalizations about the "way women are" and estimates of what is appropriate for most women no longer justify denying opportunity to women whose talent and capacity place them outside the average description.”

Ruth Bader Ginsberg

Summary of Case: Original Case: Defamation/Tort/etc.: I am an African American-Female Real Estate Agent/Broker. I was helping my buyers/clients find and purchase a home for their family. During the transaction, the buyers and I started having problems with their loan officers Joshua and Katherine Campbell, who worked for Affiliated Bank. The Campbells stated the buyers were not approved just a few days before closing but failed to mention it was due to their (loan officer/banks) negligence - not the buyers. Due to the dispute that arose, the loan officers threatened me. They then retaliated against me by going on RippoffReport.com and anonymously writing defamatory information by falsely stating I had represented them. The posting was written to intentionally damage my business and name because I stated I would notify their supervisor about their negligence, mishandling of the file, and continued errors during the transaction. Joshua Campbell sent me a text stating he was going to make an audience out of me – that text message is a showing that the posting was maliciously written to disparage my name and business for harm. I was only standing up and trying to do the right thing (my fiduciary duty) so that my buyers could obtain financing for their new home. I was protecting my clients' interest due to the wrongdoings of their loan officers – the Campbells, who were employed and given a license to provide financing by Affiliated Bank. For me, just doing my job and doing the right thing for someone else, I got retaliated against by them posting the anonymous malicious, defamatory statements which were done out of hate to destroy my name and business, and it worked! Affiliated Bank has a pattern of hiring individuals who have felony convictions to manage some of their mortgage loan branches. Josh Campbell has multiple DWI felony convictions. Affiliated Bank also has another loan officer/branch manager with multiple felonies for forgery, stolen identity theft, and stolen checks.

Before filing the lawsuit – I subpoenaed Ripoff Report to obtain the author of the negative posting – the subpoena confirmed the Campbells wrote the posting. I paid almost if not more than \$10,000 in legal fees to do this plus more.

Mediation – Before filing my lawsuit, and once I could confirm the posting was written by the Campbells, who were employed by Affiliated Bank and working under their license at the time of the posting, we scheduled a mediation mediated by James Juneau. I paid more than \$1500 for this mediation. We did not come to any agreement because I felt like

something was not fair, and he was trying to mediate me and not mediate both sides, so I ended the almost 8-hour mediation. Nearly a year later, I find out that the Mediator, James Juneau, works in the same small mediation firm with the in-house lawyer for Affiliated Bank Greg McCarthy that was *not* disclosed. I filed a grievance due to the appearance of undisclosed conflicts and other reasons with the mediator and opposing counsel. It later got dismissed by the Texas Bar due to them not having jurisdiction over mediators, but Claire Reynolds – Public Affairs Counselor with the Office of the Chief Disciplinary Counsel for the State Bar of Texas stated to me after I questioned the dismissal that after reading my grievance and the other evidence I provided that she felt that something (her words), “kind of *Hanky* was going on” and then told me to find a mediation organization Mr. Juneau was a part of and file a complaint with them because even though he is a licensed attorney who has misconduct guidelines to follow against aiding other attorneys in misconduct and his own performance, they do not discipline mediators and that was his position at the time of the misconduct. If I would have known about this conflict - I would have chosen another mediator out of many, so maybe I would not have had a different outcome so that I would not have had to go through all the next steps I will discuss in this document.

Lawsuit: Lawsuit was filed in Judge Sally Montgomery, Dallas County Court at Law #3 – Only one defendant Joshua Campbell filed a Motion to Dismiss under the Anti-Slapp law: Judge Montgomery dismisses entities from the lawsuit before hearing the case and seeing any evidence/responses. During the hearing, Judge Montgomery stated on the record after seeing evidence - she agreed that the defendants were the problem for my company and me – meaning they caused the problem that I was having. Then she stated that she hated the Campbell’s lied. During this hearing, opposing counsel attorney John Browning with Passman & Jones appeared – his clients had *not* filed any motion to dismiss or motion summary judgment or presented any evidence showing no fault to any of my cause of actions against his clients, but he wanted to get them dismissed with *no* standing motion. 2 days later -Judge Montgomery signs an order dismissing and charging me \$96,000.00 for the opposing counsel legal fees. There was no hearing for legal fees, and John Browning’s affidavit for legal fees was filed *after* she had signed the order.

I later find out that John Browning was Judge Sally Montgomery’s lawyer during her campaign for several years. She had paid him and his firm over \$3,500.00 according to her campaign finance reports. I also later find out that - Jerry Alexander (past president for the Texas Bar), John Browning’s (who is an editor for the Texas Bar) law firm Passman & Jones was Judge Montgomery’s treasure for her campaign for many years. Judge Montgomery never disclosed any of this to me. Once I asked both Browning and Montgomery at the motion for new trial hearing, they both lied about their lawyer-client-relationship, which was on the record. See the attached transcript and campaign expenditures.

At the Motion for New Trial hearing on June 13, 2016 - Judge Montgomery threatened to sanction me on and off the record. Judge Montgomery also made us have several off the record meetings where the opposing counsel threatened me to dismiss my case, or they would come after me for the \$96,000 judgment. The Judge even stated on the record that she did not do the legal fees right. (see transcript) I was not willing to dismiss my case because I wanted a new trial and try to get a new judge who was neutral with no biases. Since I was unwilling to dismiss my case, Judge Montgomery states on the record that she was going to *grant* me a new trial. After she says that, Jerry Alexander and John Browning’s team says that Judge Montgomery no longer had plenary power to ***grant*** me a new trial. This was when Judge Montgomery and all the lawyers started the dishonesty by lying, colluding, and conspiring to misrepresent the law against my rights to intentionally misrepresent the law by telling me that she no longer had plenary power according to TRCP 329b(e). According to the law they cited, the Judge *did* still have plenary power because my motion for a new trial was filed timely, which gave her 105 days plenary power (Texas Rules Civil Procedures 329B(e)). This was when I questioned Judge Montgomery and attorney John Browning’s history, along with Jerry Alexander and his firm. (see transcript) John Browning and Judge Montgomery both lied on the record and denied this relationship even though I held up her campaign finance report for them to review.

I only found out about this conflict after she had already signed/rendered an order with her order dismissing my case and awarding the other side a judgment against me for \$96,000. Not only were they dishonest about this relationship on the record; they also threaten me with sanctions, they coerced me into dismissing my case based on lies/fraudulent misrepresentation, and they even threatened to take me to jail – knowing they had misrepresented the law to force me into an unwanted or fair dismissal, etc. Judge Montgomery acted as an advocate for the opposing side on-the-bench and

when she came off-of-the-bench while still in a black government robe for judges standing at the table with the opposing counsel while she was coercing/influencing me to dismiss my case while they were all knowingly misrepresenting the law. Due to the Judges and all the lawyers' education and years of practice, it is very apparent that they all intentionally conspired/colluded together to misrepresent the law TRCP 329b(e) because they knew I would not know. Due to being coerced/coached by the Judge, threats of jail time, under severe duress, etc., I ended up dismissing my case because they only gave me *two* choices, which I did *not* want to do – but I felt forced and scared that they would put me in jail or come after everything I had and built and tried to build for my family. I would *not* have done this if they had not intentionally lied to about the law (most lawyers know without having to reference the law journals) and been told that I only had *two* choices, which was to dismiss my case or have a \$96,000 judgment against me because my case was over which was *not true*. Because of all that, I said on the record, *I was “forced” to accept their deal*. This clearly shows that I was coached/coerced, especially when the Judge said on the record that I had to say it a different way and could not say the word “forced.” Knowing everything that I know now, I feel I was coached, bullied and wrongfully railroaded/waterboarded out of court due to judicial and officers of the court misconduct and fraud. *Past State Bar President Jerry Alexander stood by and watched all this take place and he did nothing!* I have attached the transcript. I have also attached two documents of statements from my father, Bennie Gibson, who was present at all the hearings. (Affidavit of Bennie Gibson and Appellant’s Response to Appellee’ Objection to the Affidavit of Non-Party Bennie Gibson.)

Appeal Case: Not knowing at the time that the officers of the court had misrepresented the law, I filed an appeal due to being coerced and put in *severe* duress. I only later find out that Judge Montgomery and all of the counsel misrepresented the Texas Rules of Civil Procedure 329b(e). During the appeal - The Appeal’s court panel (Justice Filmore, Justice Lang-Meirs, Justice Stoddart) abated my appeal so that Judge Montgomery could rule on her own conduct even though there was a full record and several full transcripts to read. They abated the appeal so that Judge Montgomery could rule if I was coerced, in duress and if the rule 11 agreement was enforceable even though there was a full transcript (attached) to read showing the complete understanding how it was rendered.

During the appeal process, John Browning started running in the 2018 election for Justice for the 5th Court of Appeals as a republican candidate with the same panel on my appeal. They all had to defeat their democrat opponents, which they were unsuccessful.

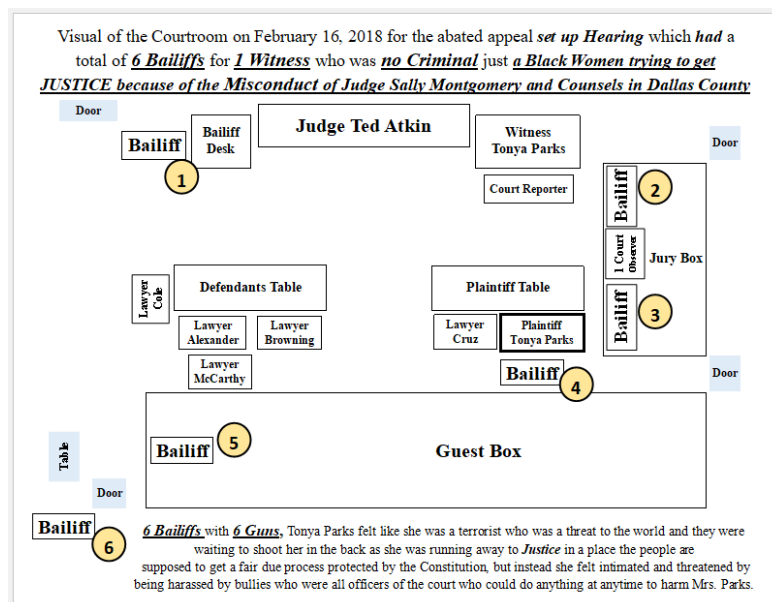
Due to the abatement, I filed a recusal for Judge Montgomery because I did not feel it to be fair for Judge Montgomery to rule on her own conduct. J. Montgomery denied recusal, so we had to have a recusal hearing. Judge Mary Murphy, 1st administration judge at the time, selects Judge Emily Miskel from Collin County. During the recusal hearing, Judge Miskel hears testimony from Casey Coskey, who was wrongfully fired by Judge Montgomery. She heard testimony from my lawyer during the appeal who testified that he was told by someone who had first-hand knowledge that Judge Montgomery had said a racial slur by saying “she was tired of dealing with those nigger churches.” She also heard John Browning on the record state or perceive that he still may have a lawyer-client-relationship with Judge Montgomery, which would prove that he and J. Montgomery lied on the record at the motion for new trial hearing. She could also read all of the transcripts, which showed that Judge Montgomery showed favoritism to attorney Jerry Alexander and John Browning’s clients Affiliated Bank. This favoritism went against the rules of law and potentially violated my rights. She also saw and heard information showing conflicts of interest and intentional incompetence of the law, which would appear to a reasonable and neutral person to be suspicious or fraud upon the court, which should have granted a recusal. Judge Miskel denied the recusal.

I later find out that J. Emily Miskel and John Browning write articles together, travel to conferences for speaking engagements for the state bar, etc. They also teach classes together to lawyers and judges on social media. Out of all the judges between Dallas and Collin county, they select Judge Miskel to hear the recusal so that I feel they could protect the outcome, and I would not be able to have the abatement hearing in front of a neutral judge.

This was another example of an appearance that was not disclosed. John Browning also wrote a book with Chief Justice Carolyn Wright, and they advertise how close their friendship is, which was not disclosed. Also, in 2014 Justice Stoddart said in the Dallas Morning News or something like that, that John Browning was the highest contributor to his campaign.

These shows true conflict. Due to J. Miskel denying recusal on 1-31-2018, I filed an emergency stay so that the appeals panel could rule so that I did not have to appear in front of J. Montgomery, but they denied it as well. A litigate doesn't have a duty to investigate conflicts between Judges, lawyers, or parties in a lawsuit. Due to the oath of a Judge, he/she has a duty to disclose so that there is no appearance of *any* conflicts like I can show in my entire meditation/litigation process.

On 2-16-2018, the abatement hearing was held- J. Montgomery selected Judge Ted Akin to hear this hearing. John Browning knew about J. Akin before my attorney during the appeal. Before the hearing, I witnessed and took pictures of Jerry Alexander, John Browning, and the other opposing counsel having experte' communication with J. Montgomery. During the hearing, I witnessed John Browning and Judge Atkin, making facial connection/communicating with each other, which showed some connections or signaling. Also, during this hearing, J. Atkin would sustain most of John Browning's objections to anything I would say on the record that would prove I was coerced, under duress, or be unfavorable to J. Montgomery, Jerry Alexander, and Mr. Browning, but he would overrule all of my attorney's objections to Mr. Browning asking me questions that were irrelevant to the hearing, which I feel was to bully, harass, humiliate and intimidated me. (transcript can be provided) During this hearing, they had six bailiffs standing and sitting around the courtroom, making it very intimidating and scary for me, knowing that I was the only witness and person in the courtroom besides my lawyer. I have provided a layout of the courtroom with the six bailiffs below. I believe that Judge Sally Montgomery, John Browning, Jerry Alexander, the other officers of the court orchestrated this intentional witness intimidation hearing to show their power. This was the second time they have used court bailiffs to intimidate me into doing what they wanted.



Judge Atkin ruled that I was *not* under duress, coerced and that the rule 11 agreement was enforceable even after he could read a transcript showing how I entered into an agreement with the officers of the court misrepresenting the laws/facts, hearing my under oath testimony on why I felt I was coerced and under duress, he saw dishonesty from the court, conflicts of interest and other evidence presented in court that should have shown in my favor. Based on his findings, the 5th court of appeal dismisses my appeal based on the finding and fact that was written by John Browning for Judge Atkin the night before the hearing.

I have found a case similar to mine (similar conflicts) where the same panel ruled much differently and did not require an abatement hearing as they did in my appeal. I feel the abatement of my appeal was a set up so that they did not have to rule on my appeal and protect the 2018 election. I think (and evidence will prove) that they were doing this to protect their friend and his reputation as they were all partners/running in the 2018 election as a group of 8. I feel they were also protecting Jerry Alexander's involvement due to his position/reputation within the State Bar and legal community. *They were trying to tire me out and increase my legal expense so that I would have to back away from my lawsuit because I could not afford legal counsel. This is an unfair advantage they have against litigates and railroads them out of court.*

I feel Judge Atkin was selected to protect the outcome just like Judge Miskel - to ensure that they could keep control over the outcome by not allowing me to appear in front of a judge who would have an appearance of being impartial and who did not have any connections or financial ties/interest with John Browning. I feel this was done so that there would *not* be a negative outcome on Mr. Browning's record and could possibly affect the 2018 election.

Bill of Review: I filed this to attack all of the *Fraud* and *Official Misconduct* that took place in my case due to the conflicts of interest that were never disclosed, intentional misrepresentation of the law which denied me a fair due process of law, the lawyers and judges all colluding and conspiring against me which *denied me full access to the court* by having fair and neutral judges. Judge Montgomery has recused herself. Judge Ray Wheless then selects Judge Rosales. We had a jurisdiction hearing, and Judge Rosales said on the record that she could see what I was seeing with the showing of conflicts and judges not being impartial, but she was going to have to recuse herself because she works with J. Montgomery. She also said on the record that for the purpose of Justice, my bill of review needed to be heard out of Dallas County. She also put this in her Recusal letter and then closed the case for it to be transferred out of Dallas. (see recusal letter) Judge Wheless then opens the case back up and transfers it to Judge Demetria Benson in Dallas County. She then recuses herself - then Judge Wheless transfers it to Judge Melissa Bellan. This case is still pending in Judge Melissa Bellan's court in Dallas County Court of Law #2. John Browning had re-scheduled his hearing for Plea of Jurisdiction to be heard again, and it was held on June 5, 2020. Judge Bellan has *not* ruled on this hearing, and it has been almost four months since the hearing. This delay would appear to be caused due to the upcoming 2020 election with John Browning running to replace Justice Bridges due to his untimely death before the election. I can also show that they have attempted to deny me access to the transcript of the hearing – court documents. Due to the delays, denying me access to the transcript/court documents and other reasons, I filed a motion to recuse. Judge Bellan denied, and then the 1st Administration Judge – Judge Wheless denied. I want to note that Judge Wheless voluntarily recused himself in my legal malpractice case against my previous lawyer Jason Berent, so Judge Wheless is *not* neutral and he has formed an opinion by making rulings and his recusal.

Legal Malpractice: Due to misrepresentation of the law and other things during the original underlying case. I filed a legal malpractice against my previous attorney Jason Berent with the Berent Law firm. While I was trying to serve him my lawsuit, he was avoiding service. While he was avoiding service, he was writing his own lawsuit against me (Collin County 471-04493-2018 filed after mine in Dallas County). His lawsuit was full of lies and false truths to destroy my character and done in retaliation due to me, filing a lawsuit against him. This was his 2nd time to do this. The 1st time was when I told him - through email that I would file a grievance against him because he was not answering my questions on things that he had done/not done during the original case he handled. He never served the 1st lawsuit, and he dismissed it due to the court filing a for want for prosecution. I only heard about this lawsuit through a 3rd party who I did not know – who called me out of the blue. I feel this was a set-up so that I would not file my grievance. I had not spoken with him, so both of those lawsuits were frivolous filing where he was/is using his license to file frivolous lawsuits to protect his own interest and unlawful harassment. This time he used criminals who are not licensed to serve legal documents to give me this newer lawsuit - he used a woman to pose as a potential buyer so that I could help her find a home because she was moving here to take care of her mother who was dying from cancer. He uses this woman and a man (acting as her husband) to lure me to a vacant home where 2 African American men would meet me at the vacant house. Luckily, I took my husband so I was not alone. Because I was not alone, the one man got out of the car and then gave me this lawsuit which was filed by Jason Berent in Collin County -1 day *after* I was trying to serve him my lawsuit which was filed in Dallas County - *first*. This man that give me this lawsuit was not licensed to serve court documents, which has been confirmed by the JBCC, and he was not authorized by the court to serve documents. This man (Kerry Walls) has a lengthy criminal history consisting of assault and protective orders and violations of those orders and more. I feel that attorney Jason Berent used these people to intimidate me, harm me, threaten me, etc. to try to force me to back away from my lawsuit against Jason Berent. This man also filed a return of service in this case that was false/perjury. I can show a history with Kerry Walls and Jason Berent, so he knew these people were not process servers. The Judicial Branch for Certification for Process Servers filed in this case that I was *not* served by a certified process server. As a female real estate agent, this is very scary. It is very hard for me to do my job and feel safe when I have to meet potential buyers and sellers - that I do not know and then meet them in places where I would be alone. If I would not have taken proper steps, I can only think of the worst that could have to happen,

which is very scary for my family and me to think about. The court is ignoring this and not dismissing this case, which was filed to intimidate and harass me. I feel the courts are ignoring this misconduct because they are protecting this lawyer due to his involvement in the unlawful threats, misrepresentation of the law, collusion and conspiracies, and possible on the record bribe (transcript can be provided) that happened during the underlying case with Jerry Alexander, John Browning, Judge Sally Montgomery, Judge Emily Miskel, Judge Ted Akin, the past 5th Court of Appeals Justices and more.

There are a lot of events that I am leaving out, but I have been told by several well-known lawyers and judges that I was treated unfairly, unjust, and the steps they took to *corrupt* the court were evil. At the same time, they discriminated against my rights, and they also said that my evidence is an undeniable showing of injustice and inequality showing institutionalized racism and discrimination either by color or by financial ability to survive the expensive process of litigation. My case can show how Collin County officials, Dallas County officials, Judicial Conduct and the State Bar of Texas are protecting each other by violating my civil rights and has put me in an unsafe/dangerous position for harm due to me standing up for myself and wanting Justice. Judge Wheless has recused himself in this case, but not in the Bill of Review. Before Judge Wheless recused himself, I filed a Motion to Enjoin Harassing Behavior and Application for Temporary Restraining Order and Temporary Injunction against Mr. Berent due to his continued harassment and the fear I had due to the way I was served - since J. Wheless did not rule on it, I had to amend it and refile so it was sent to Judge Ben Smith who denied it without a hearing.

Brief Description of how you feel your civil rights were denied:

My civil rights were denied because I was denied a fair due process in front of a neutral and impartial Judges. My rights were violated due to fraud upon the court, collusion and conspiracies between Judges and opposing counsel.

The Judges and lawyers all intentionally misrepresented the law and made unlawful threats to induce me into dismissing my own case. Due to my evidence being undeniable and the positions of the Judges and lawyers involved, it is hard to find representation because lawyers are fearful of going against these political entities, which makes it where it's hard for me to find legal representation.

Describe in detail how Judge Miskel broke the law and their judicial ethics:

Judge Miskel violated her cannons by ruling on a case where there is a very apparent conflict of interest. She was at a conflict of interest while hearing a recusal hearing for a Judge who should have recused and shown misconduct with the opposing counsel. Judge Miskel was protecting the outcome by not allowing a judge to be recused so that I could get an impartial judge. Judge Miskel and John Browning have a financial connection by trying to advise by gaining authority/influence to be recognized in the legal system and within the Supreme Court.

List any/all exparte' communications: When you look into these cases, you can see that there is very apparent exparte' communication and protection. I have pictures through Facebook/Twitter/etc. showing a long history that should have been disclosed. This history is a history used for advancement within the legal system, financial interest, friendships, partnerships, etc. There is a true injustice! I can show how the State Judicial Misconduct is protecting John Browning and all the Judges involved. John Browning also knew about the outcome of my grievance, which he only could have heard about from J. Montgomery, which would show exparte communication before the abatement hearing. While my case was still pending in J. Montgomery's court, John Browning states on the record the status of my grievance during the abatement hearing in front of Judge Atkin. I later contacted Eric Vinson with the SJCC, and he stated that Mr. Browning would have only heard the status of my grievance from J. Montgomery because the only people notified was Judge Montgomery and myself.

I can show a connection within the Supreme Court of Texas that shows their protection for John Browning and Judge Emily Miskel. I can also show relationships between Governor Greg Abbott and John Browning, showing that Mr. Browning is Abbott's lawyer or legal counsel. I can also show a connection with the Texas Governor and the defendant in my case -

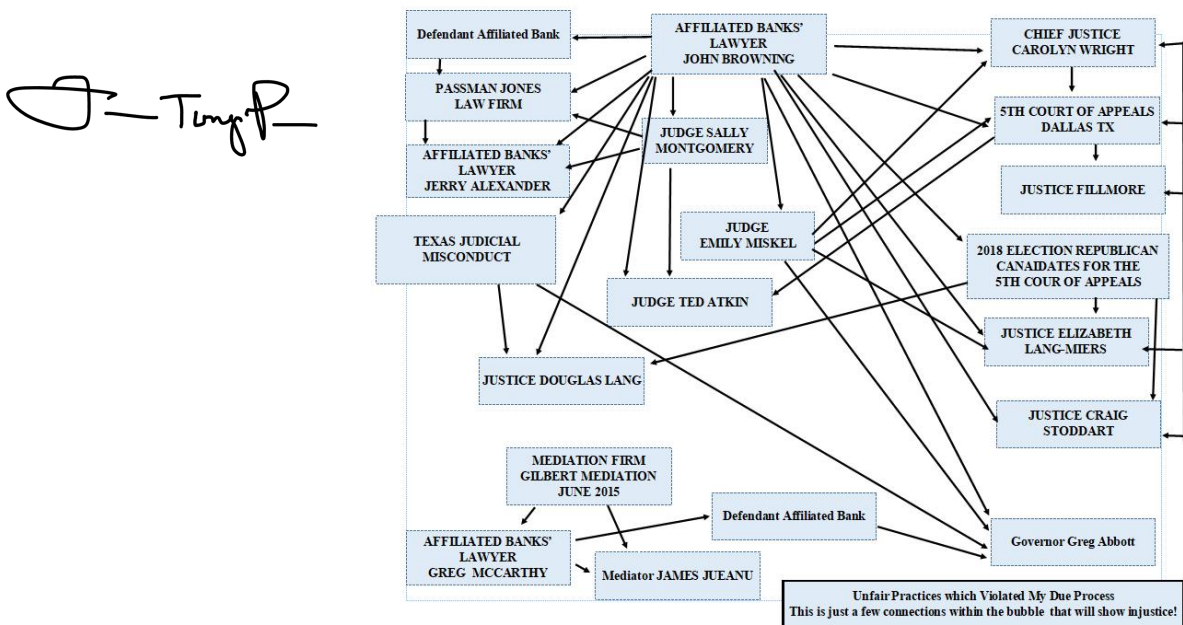
I have been fighting for Justice in a protected bubble. I never got the chance to have a fair trial. For this reason, my civil rights have been violated, which has caused me so much harm. It has affected my family, my business, my health, and my enjoyment of life, which has all changed the way I lived before all this happened. Due to my standing up for myself and being a woman presenting facts with evidence, John Browning, Jerry Alexander, Jason Berent, and others are trying to destroy my character so that people will not look at the facts. Their actions, harassment, and abusive unlawful practices are done to silence the truth and for people to turn away from looking at the evidence. Once a person looks into my case and sees the evidence I can provide, they will see the discrimination, corruption, and injustice that happens to minorities and under-privileged litigates when they feel no one is watching, and it may not come back into the light because we will give up and feel defeated.

I was not raised in that way. I was raised to fight for others and fight (stand up) for what's right. My father, Bennie Gibson, is a Vietnam vet who fought for this country and my rights along with so many other brave women and men. At the first hearing in front of Judge Sally Montgomery, Jerry Alexander (a veteran himself) noticed my father was a Vietnam Vet and he asked him about his service or branch he was in and then he shook my father's hand and said to him, "thank you for your service," I say this because Jerry Alexander shook my father's hand knowing they were war partners and also knowing that he and his team were setting his daughter up to fail by them corrupting the court which would affect his daughter's well-being, enjoyment in life, and a legacy she was building for his grandchildren. I have attached two documents of statements from my father, Bennie Gibson, who was present at all the hearings. (Affidavit of Bennie Gibson and Appellant's Response to Appellee' Objection to the Affidavit of Non-Party Bennie Gibson.)

I can also provide an audio recording of attorney Jason Berent and myself, when Mr. Berent stated that if I said anything negative about Jason Berent-him, - Jerry Alexander would deny it which I feel was to protect him from any grievance. It was an alliance/protection they built against me and my rights. Mr. Alexander was President of the State Bar at the time of this conversation.

I pray that you all see me as Mr. John Lewis stated, “GOOD TROUBLE” because I am standing up for our democracy and the people who destroy it for unfair advantages.

"Injustice anywhere is a threat to justice everywhere" is a credo penned down in his letter from Birmingham Jail, on April 16, 1963, by Dr. Martin Luther King, a U.S black civil rights leader and clergyman (1929-1968).



NO. 05-16-00784-CV

**IN THE
COURT OF APPEALS
5TH DISTRICT OF TEXAS**

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
8/24/2016 10:54:59 AM
LISA MATZ
Clerk

TONYA PARKS and PARKS REALTY FIRM, LLC

Appellants,

vs.

**AFFILIATED BANK, AFFILIATED FSB, AFFILIATED BANK FSB, INC.,
BANCAFFILIATED, INC., JOSHUA CAMPBELL and
KATHERINE CAMPBELL**

Appellees,

From the Dallas County Court at Law # 3.

Texas Cause No. CC-15-04540-C

AFFIDAVIT OF BENNIE R. GIBSON

BEFORE ME the undersigned authority, on this day personal appeared
Bennie R. Gibson who being by first duty sworn stated the following.

“My name is Bennie R. Gibson” I am over the age of (21) years, of sound
mind and competent to make this affidavit. I have never been convicted of a felony
or any crime involving moral turpitude, I have personal knowledge of and I am
fully competent to testify to matter stated herein, all the matter contained to this
affidavit are true and correct and base upon my personal knowledge and belief all
supported by substantial evidence.

I am the father of Tonya Parks who is the sole owner of Parks Realty Firm, LLC and they are the Appellants in the above cause of action. The statements I am about to make are made upon my personal knowledge and I fully believe will be relevant to this Court as you are making a decision on my daughter's case.

Statements are as follows:

1. I witnessed 2 atrocious hearings in Judge Sally Montgomery's Court at Law # 3 on March 22, 2016 and June 13, 2016. I believe these 2 events were pre-arbitrated with the intent to defraud my daughter and her company.
2. My daughter Tonya Parks has always enjoyed her rights to liberty, but because Tonya crossed the path of a troubled man Joshua Campbell who is a 2-3 time convicted felon and his wife Katherine Campbell who both worked for a Federal Banking Institution Affiliated Bank FSB corruption has intervened. Tonya is now fighting for that right to liberty in the ring of the corruption coerced by Dallas County Judge Sally Montgomery, Affiliated Bank, Chubb Insurance Company, the lawyers they selected John Browning, Jerry Alexander and Gregory McCarthy and the lawyers they selected Christopher Hansen and Gino Rossini.
3. This coercion was what I believe to be a scam for excessive legal fees arbitrated by Chubb Insurance and the lawyers they employ to use those excessive fees to unlawfully gain control of my daughter with intimidation to back her down. The adjuster for Chubb Insurance Michael Moore told my daughter and myself those legal fees are what they use in their "duty to defend" which will basically run the plaintiff off. Mr. Browning was going to get paid by the insurance company under the "duty to defend" clause within Affiliated Bank's liability insurance policy - claim file number 047515001505 - filed on January 12, 2015, but yet Mr. Browning and the other lawyers put affidavits in the court as if they were not going to get paid. They then threaten Tonya with a Judgement of those outrageous fees when she had already been financially harmed.
4. On June 13, 2016 Judge Sally Montgomery reprimanded me in her court room because I was nodding my head. I was sitting next to my daughter when Judge Sally Montgomery stated that Tonya did not have any evidence that could link the bank and if this case became a frivolous case

then Tonya would be sanctioned. I disagreed by nodding my head because this is **no** frivolous case on Tonya's part. I believe this case has been manipulated by the officer of the court intentionally. Tonya has very good evidence that will show this lawsuit is valid and her damages are relevant with all defendants – the Bank and the Campbell's.

5. Judge Sally Montgomery had my daughter go into a private conference room off the record multiple times to mediate an outcome to her case with 6 men lawyers trying to convince my daughter to dismiss this case. In one of those meetings after all the defendants' lawyers left the room and it was only Tonya, her previous lawyer Jason Berent and myself, Sally Montgomery came into the conference room and told us that we needed to finish up or she would sanction Tonya for this being a frivolous case. After she did that, I told Jason that I wanted him to get my daughter out of this courtroom because this lady is a dangerous Judge. After that meeting, we went back into the courtroom and when Judge Sally Montgomery sat down I got up and walked out of the court room because I knew if Jason did not do anything quickly I would have say something. Out of concern for my daughter's well-being, I did not want the Judge to harm my daughter anymore by me expressing my concerns so I decided to leave and sit in the hallway. Tonya told me before I left she was going to stay because she wanted to take this through and she did not trust the Judge nor her lawyer Jason Berent to do anything on her behalf if she was not present.
6. Once I left the court room - Tonya was by herself when Jason told the court there was no agreement in the mediation room then it is upon my belief after reading the reading transcript on June 13, 2016, I can honestly say they caught Tonya off guard when they told her that her timing was up to have a new trial and her case was over. This is when the major atrocious events took place to wrongfully influence my daughter into agreement she would not have done if she fully understood her rights and would have been able to come speak with me. After reading the transcript on June 13, 2016, based on my opinion and belief, they abused their authority by what I consider judicial water boarding my daughter into an improper settlement. My daughter was fighting for her life and her family's well-being by herself with no one helping her to defend herself. She was improperly couched, influenced, threatened, taunted,

and she was lied too. She thought the case was over with no remedy. Tonya was put under so much pressure and was not given any time to think. She was restrained / not allowed to come and speak with me when she did not have a proper lawyer working in her behalf. Tonya used the words and phrases like, "I just feel set up", "I don't think I was given a fair trial", "I wasn't prepared to make a choice like this today", "give me a second to think", "I don't understand my parameters", "I didn't really get to talk to my lawyer", "I don't get a new trial", "I'm FORCED" which they should have heard her words, seen her fear and stopped the brutal intimidation and control they had over my daughter's mental state. Reading the transcript, once they told Tonya she was going to be taken to jail is when Tonya couldn't defend herself anymore. Any decision or settlement made during the pressure of that heinous act of willful unlawful misconduct - that decision into settlement would be conceived as involuntary. By being Tonya father I know she was scared and she was frightened even though she knew she had a good case, but she felt defeated by people with power to destroy her, her family and her company. The condition became constructive any person would have done the same thing as Tonya to get from away from those conditions. Tonya would do anything at that point to get out of that court room away from those bullies to get into a safe environment with me and home to her husband and 2 teenage sons.

7. From reading the transcript, Judge Sally Montgomery requested Tonya to come up and that's when she started asking Tonya to make a decision.
8. In my opinion, from reading the transcript, Judge Sally Montgomery initiated the entire coerced settlement when she found out she did not have proper jurisdiction. Judge Montgomery said, "So I'm going to do one last thing, though. See if you can reach an agreement on the attorney's fees since it's too late to overrule the motion for new trial; it can only be done by agreement. That's still a good agreement. If y'all agree to it, then it doesn't matter. If you don't agree to it, then it's too late." This is when I believed the whole couching started. I believe if she would have not initiated that unfair settlement, Tonya would not have to try to fight for this appeal so that you can see all the additional errors Judge Montgomery made in court during the 2 prior hearing along with

the errors she made and she admitted to when making a judgement of what I feel are outrageous attorney fees.

9. I believe Affiliated Bank's president Garry Graham is motivated to do anything to get them out of court because he does not want Tonya to be allowed to do any additional discoveries on Affiliated Bank because those discoveries will uncover a lot of additional fault and suspicious activity on the Bank's side. In my own research to help my daughter I called Mr. Graham and left him a message multiple times with no return call until I said I would be contacting the OCC (Office of the Comptroller of the Currency). Mr. Graham returned that call within 10 seconds so I believe he is screening his calls. In that return call Mr. Graham informed me that he was not regulated by nor registered with the OCC.
10. I believe the misrepresented of representation of counsel on the Defendant side was unlawful and a willful intent to defraud the plaintiff. Even when Jason Berent and Tonya told Judge Sally Montgomery she acted as if she did not care.

I have raised my 2 daughters to be strong women and to stand up for what is right. After fully reading the transcript on June 13, 2016, I couldn't be more proud of my daughter because I was visualizing her speaking out to stand up for herself and what was right, but she was defeated by dangerous people with power.

This entire act of interference upon my daughter's well-being and her due process has been devastating not only to my daughter, but to me as her father and her mother. I can see a difference in Tonya so everybody who is responsible for this change in my daughter's life must be held accountable.

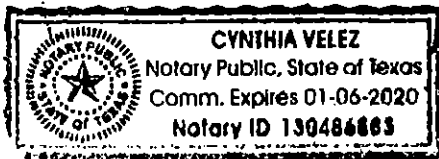
SIGNED on this 24 day of August, 2016

Bennie Ray Gibson
Bennie Ray Gibson

STATE OF TEXAS }
COUNTY OF TARRANT }

SUBSCRIBED AND SWORN TO before me by the said
Bennie Ray Gibson, Principal on this the 24th day of August 2016.

Cynthia Velez
Notary Public in and for the STATE of TEXAS



¹NO. 05-16-00784-CV
IN THE
COURT OF APPEALS
5TH DISTRICT OF TEXAS

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
8/30/2016 1:44:13 PM
LISA MATZ
Clerk

TONYA PARKS and PARKS REALTY FIRM, LLC

Appellants,

vs.

AFFILATED BANK, AFFILIATED BANK FSB, AFFILIATED
BANK FSB, INC., BANCAFFILIATED, INC., JOSHUA CAMPBELL
and KATHERINE CAMPBELL

Appellees,

From the Dallas County Court at Law #3,
Texas Cause No. CC-15-04540-C

APPELLANTS' RESPONSE TO APPELLEES' OBJECTION TO THE
AFFIDAVIT OF NON-PARTY BENNIE GIBSON

TO THE HONORABLE FIFTH COURT OF APPEALS:

Appellants Tonya Parks and Parks Realty Firm, LLC come now and file this Appellants' Response to Appellees' Objection to the Affidavit of Non-Party Bennie Gibson. The Affidavit of Bennie Gibson who is the father of Tonya Parks should be considered by the Court when determining the issues in this matter because Mr. Gibson was a witness to 2 of the hearings held in Judge Sally Montgomery's Court Room. Bennie Gibson's position in this matter was written

in his affidavit and his position would be no different than any lawyer Tonya Parks would plan to hire to handle her case in the future. Bennie Gibson's affidavit should be looked at and strongly considered because:

1. Mr. Gibson was present at the entire hearing on March 22, 2016.
2. Mr. Gibson was in the room for a majority of the hearing held on June 13, 2016 until he felt he had to leave because he did not want to harm Tonya Parks' case any further by speaking out on her behalf when her lawyer Jason Berent was not and the other lawyers and Judge were taking advantage of that lack of counsel.
3. Mr. Gibson was a party sitting in 2 of the mediations held on June 13, 2016.
4. Mr. Gibson was in the hallway where he could see through the window Tonya Parks standing in the court room during her forced and coerce settlement.
5. **Mr. Gibson was also in the hallway when Jerry Alexander, John Browning, Chris Hansen, Gino Rossini and Greg McCarthy left the court room before Tonya Parks and Jason Berent. While in the hallway Bennie Gibson witnessed Judge Sally Montgomery's Bailiff call out John Browning's name to escort him into Judge Sally Montgomery's office right after the hearing on June 13, 2016. The other lawyers who were with John Browning at the time went with him to her office for a private meeting. Tonya Parks' lawyer at the time Jason Berent was not in attendance to this meeting as far as Tonya Parks knows.**
6. Mr. Gibson was the first person Tonya Parks spoke with about the conduct of the officers of the court once she left the court room on June 13, 2016.
7. Although Mr. Gibson was not in the court room during the forced settlement he was a witness to the misconduct in the court room and out of the court room. The transcript validates what he could see through the window and Tonya Parks' mental state after she left the court room.

I have also attached a chain of emails sent by Tonya Parks to Janet Wright starting the early morning of June 14, 2016 after the hearing on June 13, 2016 requesting the transcripts (Exhibit A). This email will show Tonya Parks position of the involuntary/forced settlement the night after the hearing.

Mr. Browning states that Mr. Gibson is attempting to smear the reputation of Judge Sally Montgomery. Mr. Gibson is only presenting the facts and the conduct he witnessed in the

court room and through the window along with reading the transcript. Judge Sally Montgomery has built her own reputation by her conduct and competence in her court room. Mr. Gibson is only speaking up for his daughter while she is trying to get justice pro se because the legal system has failed her. Again, Mr. Gibson affidavit would be no different than Tonya Parks hiring a lawyer to speak on her behalf who was not present during the coerced settlement.

Mr. Browning failed to remember that his clients a convicted felon and the company that hired him have ruined the reputation of Tonya Parks and her successful business.

Tonya Parks is not only fighting against Affiliated Bank and the Campbell's, she is also fighting against a team of lawyers (who knows how many), a judge and a large insurance company. Tonya Parks was also on the phone when Mr. Gibson had the conversation with Chubb's adjuster Michael Moore so she can validate that conversation. Tonya Parks also had a conversation with Mr. Moore on July 22, 2016 when he told her she was going to lose her appeal so she should look into becoming a private investigator or paralegal because she would be good in those fields. Tonya Parks a successful woman - who is a victim in a malicious internet hate crime and has had her constitutional right violated because of biases and prejudices so she should not have to change her career at the age of 42. Tonya Parks has been bullied, harassed and threatened unjustly throughout this process.

Mr. Gibson once fought for the rights for our country so now he is fighting and aiding his daughter for those rights he fought for. Please consider his affidavit and allow his daughter to have her fair day in court with no biases or prejudices.

PRAYER FOR RELIEF

For the reasons set forth above, Appellants requests that the Court allow Tonya Parks' father Bennie Gibson's Affidavit to be considered.

Appellants also pray that the Court Grants Appellants' Appeal because of all of the errors, misconduct and misrepresentation in the Trial Court - Dallas County Court of Law #3. Appellants also request any and all other relief to which it may be entitled.

Respectfully submitted,



Tonya Parks ,
Pro Se Appellant

[REDACTED]
McKinney, TX 75070
[REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I certify that on August 30, 2016, I mailed copy of this motion to the following counsel

by First Class U.S. Mail and via E-File:

John G. Browning
[REDACTED]

State Bar No. 03223050

Jerry C. Alexander
[REDACTED]

State Bar No. 00993500

PASSMAN & JONES, PC

2500 Renaissance Tower

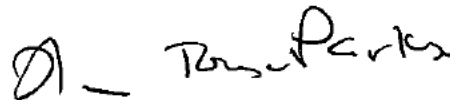
1201 Elm Street

Dallas, Texas 75270

Telephone: [REDACTED]

Facsimile: 214-748-7949

***Counsel for Appellees Affiliated Bank,
Affiliated Bank FSB, Affiliated Bank FSB,
INC., Bancaffiliated, INC., Joshua Campbell,
And Katherine Campbell***



Tonya Parks

Print | Close Window

Subject: RE: 3-22-16 Transcript

From: [REDACTED]

Date: Tue, Jun 14, 2016 11:33 am

To: "Janet Wright" [REDACTED]

Bcc: "BENNIE GIBSON" [REDACTED]

Janet,

Thank you for those kind words!!!

It was a very long day for me yesterday. I noticed I said validated my constitutional right, but I meant to say violated my constitutional right - twice. I hate auto correct on these cell phones.

I'm a very strong believer in my Christian faith and I know for a fact GOD has a plan for me and my family. I open my business in 2007 with GOD as my only partner. I wear a ring on my wedding finger that means strength and freedom which I wear to remind me everyday the gifts GOD has given me by creating me to be a strong minority women in a mans world and to remind me everyday that I am free to dream. Last night I forgot about all that because I was lost.

I'm sure I will be ok in time, but I will never forget. I will forever be reminded of that day because I have to discuss that defamatory post all the time when people search my name and see the post that will never go away.

I was taunted in that court room and this will forever be my nightmare!

Best Regards,
Tonya Parks
214-980-8816

www.parksrealtyfirm.com

----- Original Message -----

Subject: Re: 3-22-16 Transcript

From: Janet Wright [REDACTED]

Date: Tue, June 14, 2016 10:42 am

To: [REDACTED]

Tonya,

I am sorry that you are so upset by yesterday's hearing, but God always has a plan for us. He has peace that passes understanding, and I've prayed for that myself at different times. He gives us strength to get through tough times and ideas for better things. Don't give up - keep working toward rebuilding and forgiving, and your business will be restored.

Page 1 of 4

EXHIBIT A

I'm glad you made it home safely yesterday. I was worried about the weather and the roads.

I'll get yesterday's transcript to you as soon as I can, but at least by Friday. You mentioned "transcripts," but I think this is the only one. Let me know if there is one I'm missing.

You are a smart, strong woman. Use that strength in a positive way and be a good role model for your sons.

Take care,
Janet

Janet E. Wright
Official Court Reporter, CCL #3
[REDACTED]

-----Original Message-----

From: Tonya Parks [REDACTED] >
To: Janet Wright [REDACTED] >
Cc: Tonya Parks [REDACTED]
Sent: Tue, Jun 14, 2016 2:16 am
Subject: Re: 3-22-16 Transcript

Hello Janet,

I'm sorry for sending this very early email, but I can not sleep because I'm going over and over that humiliating hearing in my head.

I was railroaded and forced to make a decision I DO NOT agree with for my family in 60 seconds.

I feel mentally RAPED/BULLIED by the court because I had 7 men lawyers, 1 women judge putting me (one women) on the spot by forcing me to make a decision, threatening me if I didn't go their way then they will do all these other things to me in the court system, not allowing me time to take everything in that was happening to me at the time - along with them not allowing me to speak with my dad who had to leave the court room because he could not handle watching his daughter and her business get raped, hung, murdered, killed, humiliated, thrown away in the court for a second time by misuse of power. Not to mentioned another man officer threatening to take me (a mother of 2 African American boys ages 13 and 17 who need their mom in this crazy world) to jail because I was up set with the abuse and prejudices that were taking place in that court room where I should have received justice to clear my name and my family business along with getting damages I will and have incurred.

I deserved to have a fair and unbiased trial. My constitutional right was validated twice!!!

I stood up for my clients and this is what I got for doing so. This is why this world is based on "every man for themselves". You can't stand up for people unless you willing to take the abuse from the system and people who know how to use it.

I have worked so hard in my life to just have it thrown in the trash by a convicted felon and a large company that abused the system.

I've lost 2 years of my life that I can not get back. I've lost time with my kids. I've lost friends because I've separated myself from everyone. I have been very depressed because I'm embarrassed of that false posting my kids teachers, neighbors, old friends, potential clients, old clients, other business opportunities, etc see when they search my name. I'm embarrassed by how I've been so naïve in thinking I would get justice by an elected official.

What do I tell my boys?? You can't even do the right thing and get justice.

I have been abused by the court system. I have lost my business, dreams and time that I can never get back. I'm done - I'm completely done!!!! I pray this never happens to anyone else because it's very hard to live like this. I'm sad, very, very sad!!!!

I pray GOD has a plan for me because I'm lost!!!

Sorry for my venting, but this was on my heart.

I really just wanted to make sure you had my email address so that you can send the transcripts asap. I hate to rush you, but I need them as soon as possible.

Janet you have a great spirit about you that seems very kind and warm. Please don't let that court take that away like it has done to me.

God bless,
Tonya Parks
[REDACTED]

Sent from my iPhone

On Apr 17, 2016, at 9:06 PM, Janet Wright [REDACTED] wrote:

Tonya,

I am attaching the transcript for the 3-22-16 hearing.

If you need anything else, please let me know. Hope your weekend was good, despite the rain!

Thanks,
Janet

Janet E. Wright
Official Court Reporter, CCL #3
[REDACTED]

3064

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REPORTER'S RECORD

VOLUME 1 OF 1

TRIAL COURT CAUSE NO. 15-04540-C

TONYA PARKS, PARKS REALTY (IN THE COUNTY COURT
FIRM, LLC, (

Plaintiff, (

VS (

AT LAW NO. 3

AFFILIATED BANK, (

AFFILIATED BANK FSB, (

AFFILIATED BANK FSB, INC., (

BANCAFFILIATED, INC., (

JOSHUA CAMPBELL and (

KATHERINE CAMPBELL, (

Defendants. (

DALLAS COUNTY, TEXAS

MOTION FOR NEW TRIAL

On the 13th day of June, 2016, the following
proceedings came on to be heard in the above-entitled and
numbered cause before the Honorable Sally L. Montgomery,
Judge presiding, held in Dallas, Dallas County, Texas:

Proceedings reported by machine shorthand.

09:53:34	1	A P P E A R A N C E S
09:53:34	2	JASON M. BERENT
09:53:34		SBOT NO. 24027143
09:53:34	3	Berent Law Firm PLLC
09:53:34		5600 Tennyson Parkway, Suite 310
09:53:34	4	Plano, Texas 75024
09:53:34		214/692-5800
09:53:34	5	ATTORNEY FOR PLAINTIFF
09:53:34	6	
09:53:34	7	GINO J. ROSSINI
09:53:34		SBOT NO. 24007953
09:53:34	8	CHRISTOPHER HANSEN
09:53:34		SBOT NO. 00790818
09:53:34	9	Hermes Law, PC
09:53:34		2001 N. Lamar Stret, Suite 450
09:53:34	10	Dallas, Texas 75202
09:53:34		214/749-6512
09:53:34	11	ATTORNEYS FOR DEFENDANTS JOSHUA AND KATHERINE CAMPBELL
09:53:34	12	
09:53:34	13	JOHN G. BROWNING
09:53:34		SBOT NO. 03223050
09:53:34	14	JERRY ALEXANDER
09:53:34		SBOT NO. 00993500
09:53:34	15	Passman & Jones
09:53:34		2500 Renaissance Tower
09:53:34	16	1201 Elm Street
09:53:34		Dallas, Texas 75270
09:53:34	17	214/742-2121
09:53:34	18	GREGORY J. McCARTHY
09:53:34		SBOT NO. 13367500
09:53:34	19	Attorney at Law
09:53:34		2222 Patterson Place
09:53:34	20	Arlington, Texas 76102
09:53:34		214/448-7154
09:53:34	21	ATTORNEYS FOR DEFENDANTS AFFILIATED BANK
09:53:34	22	
09:53:34	23	
09:53:34	24	
09:53:34	25	

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P R O C E E D I N G S

THE COURT: 15-4540 Tonya Parks, Parks Realty Firm, LLC, versus Affiliated Bank, et al.

Go ahead and state your names for the record.

MR. BERENT: My name is Jason Berent, The Berent Law Firm. I'm here representing the plaintiffs, Tonya Parks and Parks Realty Firm, LLC.

MR. BROWNING: John Browning and Jerry Alexander on behalf of Affiliated Bank, Your Honor.

MR. HANSEN: Your Honor, Chris Hanson and Gino Rossini on behalf of Joshua Campbell and Katherine Campbell.

(Off the record)

THE COURT: Motion for New Trial brought by plaintiff. I read a lot of this. Let's talk about Affiliated Bank first.

No, they didn't have their own motion pending at the time of the hearing. And the issue of attorney fees was not fully discussed, I would agree. At the same time, the evidence was pretty clear that they were in no way, shape, or form involved with Campbell and Campbell's decision to post

If I were to grant a new trial on the attorney fee issue, any of it, but your pleadings are such as they are where it's clear that there is no linkage between the

1 bank and their employee, you might be faced with a motion
2 for sanctions for bringing a frivolous case. And then
3 you have additional problems versus the current problems.

14:03:54 4 So I'm going to let you two go talk about that,
5 see if you all can resolve something.

14:04:00 6 We're going to do that right now.

14:04:07 7 MR. BERENT: Where would you like to us visit,
8 Your Honor?

14:04:09 9 THE COURT: Conference room.

14:38:45 10 (A break was held.)

14:38:46 11 THE COURT: Okay. Where are we?

14:38:55 12 MR. BROWNING: We couldn't arrive at any
13 agreement with regard to Affiliated Bank, Your Honor.

14:39:00 14 MR. BERENT: That's accurate, Your Honor.

14:39:02 15 THE COURT: Let me say this. What were the
16 attorney fees on that that the bank was awarded?

14:39:14 17 MR. BROWNING: 27,000 and change, Your Honor. I
18 can get it.

14:39:17 19 THE COURT: That's close enough.

14:39:24 20 I have thought to myself that -- just throw this
21 thought out there -- if that was dropped by 10 or 11,000
22 dollars, it might make it more palatable for both sides.
23 And, in the meantime, there's been an order.

14:39:48 24 MR. BROWNING: Rip Off Report, Your Honor.

14:39:48 25 THE COURT: So to grant an entire new trial when

1 there's already been compliance is a concern of the
2 Court's.

14:40:01 3 So you want to discuss that between the
4 attorneys first? At least as to Affiliated for starters.

14:40:16 5 MR. McCARTHY: Your Honor, for Affiliated we're
6 in a position what we would prefer doing and have made
7 abundantly clear is that we would like for this to be
8 over as to us, and we're willing to make the entire thing
9 over as to us.

14:40:30 10 That doesn't seem to suit the plaintiff, and so
11 I don't have any place else to go.

14:40:39 12 THE COURT: I don't know what y'all have
13 discussed, of course, back in the back. If Affiliated --
14 what are you saying? You would be willing to drop all
15 the attorney fees just to make it go away? That is an
16 incredibly generous offer.

14:40:52 17 MR. McCARTHY: I thought so, too.

14:40:54 18 MR. BROWNING: We have made that, Your Honor.
19 That was before the motion for new trial was filed --

14:40:58 20 THE COURT: Are you serious?

14:40:59 21 MR. BROWNING: Yes, Your Honor. We did not want
22 the Court to have to be burdened with this exercise, nor
23 did we think it would be in the best interests of any of
24 the parties. That's why we agreed or made the offer that
25 we would not seek our attorney's fees.

14:41:12 1 THE COURT: Let me ask you this question. In
2 your briefing on the motion to dismiss, okay, that was
3 brought by the Campbells, you're saying without a
4 severance if I dismiss it as to the Campbells, it's
5 dismissed as to Affiliated? Are you sure about that case
6 law?

14:41:38 7 MR. BERENT: There is none.

14:41:39 8 MR. BROWNING: There is no case law, Your Honor.
9 The statute itself says dismissal of the legal action,
10 meaning the case in its entirety. Legal comment I site
11 the Court to in my response has said because of this,
12 because of this potential ambiguity, plaintiff's
13 attorneys responding to a motion to dismiss were faced
14 with this situation as to a nonspeech-related cause of
15 action if they assert multiple and alternative causes of
16 action, or sue more than one defendant, would be well
17 advised just to sever those causes of action so they're
18 not --

14:42:15 19 THE COURT: It would have to be free speech.
20 Well, it doesn't make any sense because if I dismiss free
21 speech, then everything else does go away. There's
22 nothing left.

14:42:25 23 MR. BROWNING: Your Honor, in fact, the things
24 they have alleged against the bank are related to the --

14:42:30 25 THE COURT: They're all related.

14:42:30 1 MR. BROWNING: So, really, the motion to dismiss
2 the case in its entirety was proper. The Court's
3 granting of it was proper. And, frankly, we don't
4 understand, you know, any basis whatever.

14:42:41 5 The Court itself even directed plaintiff's
6 counsel when he --

14:42:45 7 THE COURT: I don't even want to go there with
8 that. But the fact of the matter is if you make the
9 attorney fees go away, that would be a really good deal
10 because, otherwise, without any evidence, you're looking
11 at a frivolous case. And I don't know where there would
12 be evidence, based on what I've heard. There may be
13 something else, but I don't know where any additional
14 evidence will come from because plaintiffs have
15 absolutely no insights as to the relationship between the
16 bank and the Campbells or Mr. Campbell, and they've been
17 real clear about it.

14:43:19 18 So, yes, sanctions would apply if this becomes a
19 frivolous case, which it looks like there's no way it
20 wouldn't.

14:43:26 21 MR. BROWNING: Right.

14:43:28 22 THE COURT: Now, I don't know who you are,
23 sir.

14:43:35 24 MS. PARKS: This is my father.

14:43:36 25 THE COURT: Okay. But he's shaking his head no,

1 and he's not a lawyer. And I'm known for trying to help
2 folks in here. And I don't say things in here, having
3 been doing this for 20 years, that are not a matter of
4 law.

14:43:51 5 And you're putting your daughter at risk by
6 getting dug in on a position when I, as the Court, say
7 this is what could occur, and it could. So don't be dug
8 in on this thing.

14:44:10 9 I'll give you five minutes to discuss it as to
10 Affiliated. That's it. Clock's ticking.

14:44:20 11 MR. HANSEN: Your Honor, we would point out,
12 too, with regard to the Campbells, we have also made that
13 same offer to Ms. Parks that we would not pursue the
14 attorney's fees previously --

14:44:29 15 THE COURT: Well, they got the relief that they
16 sought, which is the order to Rip Off.

14:44:33 17 MR. HANSEN: And as the Court's already ruled,
18 you granted the motion to dismiss. Again, we would renew
19 that offer to them.

14:44:40 20 THE COURT: Okay. Five minutes.

14:44:42 21 MR. BROWNING: I think plaintiff's counsel and
22 his client need to discuss it.

14:44:46 23 THE COURT: You've got five minutes. Clock's
24 ticking.

14:44:51 25 MR. BERENT: Would you like to join us?

14:44:53 1 MR. BROWNING: We've reiterated our offer.

14:44:56 2 THE COURT: If he wants you to join him, he
3 will, but if not, that's fine, too. He'll do whatever
4 you want. So will Jerry Alexander.

14:45:04 5 MR. BERENT: I'll be in the jury room.

14:45:09 6 THE COURT: Do you want him or not? Anyone you
7 want will join you.

14:45:13 8 MR. BERENT: Does my daughter count?

14:45:15 9 THE COURT: No, your daughter should probably
10 stay here with me.

14:45:19 11 MR. BERENT: I would like to invite my client,
12 her father, and any lawyer that would care to discuss
13 matters in good faith.

14:45:28 14 THE COURT: If you want to name one, now would
15 be a good time. Who do you want?

14:45:30 16 MR. BERENT: John and Chris and Jerry.

14:45:36 17 (A break was held.)

15:08:38 18 THE COURT: Okay. So do we have any agreements?

15:08:43 19 MR. BERENT: No agreements, Your Honor.

15:08:46 20 THE COURT: Okay. I'm going to grant the new
21 trial as to Affiliated Bank.

15:08:50 22 MR. HANSEN: Your Honor, there's one thing we
23 were just talking. And it appears that this hearing is
24 after the 75th day, and the motion for new trial has
25 already been overruled by operation of law, it looks

1 like.

15:09:03 2 THE COURT: Has it?

15:09:06 3 MR. BROWNING: Yes, Your Honor.

15:09:06 4 MR. BERENT: I believe that's accurate, Your
5 Honor.

15:09:07 6 MR. HANSEN: The 75th day was June 7 following
7 the entry of the judgment in this case on March 24.
8 Therefore, as of June 8, it's overruled by operation of
9 law under Rule 329(b), subpart E.

15:09:22 10 THE COURT: I know the rules. I just don't know
11 the dates.

15:09:25 12 MR. HANSEN: I'm sorry.

15:09:25 13 THE COURT: I entered it on March 24?

15:09:30 14 MR. HANSEN: Yes, ma'am.

15:09:31 15 THE COURT: And the motion for new trial was
16 filed within 30.

15:09:34 17 MR. HANSEN: Yes, ma'am.

15:09:35 18 THE COURT: Okay. Hang on.

15:10:08 19 It is.

15:10:09 20 MR. BROWNING: And there's Dallas Court of
21 Appeals directly on point, Your Honor, concerning that.

15:10:13 22 THE COURT: Okay. So I can't. So I'm going to
23 do one last thing, though. See if you can reach an
24 agreement on the attorney's fees since it's too late to
25 overrule the motion for new trial; it can only be done by

1 agreement. That's still a good agreement. If y'all
2 agree to it, then it doesn't matter. If you don't agree
3 to it, then it's too late.

15:10:43 4 Why don't y'all go back there and talk one last
5 time? This can be a win or it can be complete zero for
6 plaintiff.

15:10:53 7 MR. BROWNING: We've already reiterated the
8 offer, Your Honor.

15:10:56 9 THE COURT: They didn't know about the 81 days.
10 So go back one last time.

15:11:10 11 (A break was held.)

15:21:26 12 THE COURT: Where are we?

15:21:48 13 MR. BERENT: Do we have an agreement?

15:21:50 14 MS. PARKS: I didn't really get to talk to
15 you.

15:21:52 16 THE COURT: Come on up. I can't hear you back
17 there.

15:21:56 18 MS. PARKS: I was just answering that I really
19 didn't get a chance to talk to him to see what -- to see,
20 you know, what my parameters were, if that's something
21 that I had to sign off on.

15:22:06 22 THE COURT: All you have to do is say you accept
23 their modifying the judgment where there's no judgment
24 against you.

15:22:13 25 MS. PARKS: And then after that...

15:22:15 1 THE COURT: That's it, though.

15:22:17 2 MS. PARKS: Then there's no additional trial.

15:22:20 3 THE COURT: No, because you've run out of
4 time.

15:22:22 5 THE WITNESS: And why did I run out of time?

15:22:24 6 THE COURT: Because you're over 75 days on the
7 hearing for the motion for new trial.

15:22:28 8 MS. PARKS: And who sets the hearing? Did the
9 Court set the hearing?

15:22:32 10 THE COURT: I have nothing to do with that,
11 except for my clerks.

15:22:36 12 MS. PARKS: No, so why was it set after the 75
13 days?

15:22:39 14 MR. BERENT: Ms. Parks is concerned that I did
15 not set the hearing timely, and I'm trying to explain
16 that the clerk sets the hearing.

15:22:47 17 THE COURT: I didn't know about this issue. If
18 I had known about this issue, we could have set it
19 sooner, but I didn't know about it.

15:22:53 20 MS. PARKS: So, basically, I lost my case
21 because dates? And so my name, I don't get a fair trial.
22 The bank is representing Josh.

15:23:04 23 THE COURT: It is what it is. And so you want
24 to get rid of this judgment against you and just have the
25 case dismissed with prejudice or do you want a judgment

1 against you? Those really are your two choices.

15:23:17 2 MS. PARKS: And neither one -- I've walked away
3 to two years. I've just let my whole life go.

15:23:23 4 THE COURT: I'm out of time. It's 3:20. You've
5 got to make your choice.

15:23:29 6 MS. PARKS: I just feel set up.

15:23:32 7 THE COURT: I can't help it.

15:23:35 8 MS. PARKS: I just feel set up.

15:23:38 9 THE COURT: I know you're not happy about this,
10 and I understand. But as the judge, I have to follow the
11 law. So you have to choose --

15:23:47 12 MS. PARKS: But are you supposed to let us go if
13 you know the other side?

15:23:53 14 THE COURT: What?

15:23:53 15 MS. PARKS: Didn't John Browning represent you
16 during your campaign?

15:23:57 17 THE COURT: No.

15:24:00 18 MS. PARKS: Are you sure? It was legal
19 services. Legal services that --

15:24:06 20 THE COURT: It ended up I didn't use him.

15:24:09 21 MS. PARKS: Oh, but you still paid him \$3,000?

15:24:12 22 THE COURT: No.

15:24:13 23 MR. BROWNING: No.

15:24:13 24 MS. PARKS: It's an expenditure.

15:24:15 25 THE COURT: I did not.

15:24:16 1 MS. PARKS: It's an expenditure. Did you do
2 an amendment?

15:24:19 3 MR. BROWNING: Judge, I don't think this is
4 relevant to anything.

15:24:26 5 MS. PARKS: I just feel set up.

15:24:29 6 THE COURT: I'm going to tell you, you've got
7 one minute.

15:24:34 8 MS. PARKS: Here it says -- did you do an
9 amendment on there, on one of your expenditures where you
10 paid John Browning \$3,000 in 2013? Jerry Alexander has
11 been contributing to your campaign since 1999.

15:24:49 12 MR. ALEXANDER: Yes, I have.

15:24:50 13 THE COURT: Attorneys are always allowed --

15:24:52 14 THE WITNESS: I'm just saying.

15:24:53 15 THE COURT: Okay. I have many -- if you wanted
16 to file a motion to recuse, that would have been fine,
17 too. But the time is over because the case is over.

15:25:03 18 And in the meantime --

15:25:06 19 MS. PARKS: And you paid \$250 --

15:25:08 20 THE COURT: In the meantime, the one thing that
21 can happen in a campaign is attorneys are always allowed
22 to give money. And I take from plaintiff and defense
23 counsel, both sides.

15:25:18 24 MS. PARKS: I understand.

15:25:19 25 THE COURT: So what are you going to do?

15:25:21 1 MS. PARKS: It says legal services.

15:25:23 2 THE COURT: Okay. This case is over, and I
3 guess there's going to be a judgment against you. Take
4 your pick. I'm trying to help you.

15:25:31 5 THE WITNESS: I wasn't prepared to take a pick
6 like this today.

15:25:34 7 THE COURT: I'm trying very hard to help you. I
8 really am.

15:25:39 9 MS. PARKS: I don't think I was given a fair
10 trial. I'm sorry. I'm human. This is why this world is
11 like this. No one gets justice in this system. I'm
12 sorry, I'm just a product of corruption at this point. I
13 just feel like there's some things that were going on and
14 some things that have been said --

15:25:57 15 THE COURT: If you don't choose, then you're
16 making a choice.

15:26:00 17 MS. PARKS: But I wasn't prepared to make a
18 choice like this today.

15:26:03 19 THE COURT: You don't have a choice. If you
20 don't choose -- because I doubt if they're going to keep
21 this offer open outside of walking through that door. If
22 you don't choose, then it can't be modified because they
23 have to agree to modify it. And they're agreeing to wipe
24 out the judgment against you, which is incredibly
25 generous.

15:26:23 1 And if you don't choose, I have no jurisdiction
2 to do anything. I can't do anything in this case because
3 the time has expired. I can accept a modification by
4 agreement. That's all I can do.

15:26:37 5 THE WITNESS: And what is "a modification by
6 agreement"?

15:26:39 7 THE COURT: I have no authority.

15:26:40 8 MR. BERENT: A modification by agreement would
9 be they drop all of their claims for attorney's fees and
10 no judgment is entered against you.

15:26:48 11 MS. PARKS: And still I never got to have a fair
12 trial.

15:26:52 13 MR. McCARTHY: May I, Your Honor?

15:26:54 14 THE COURT: Okay.

15:26:54 15 MR. McCARTHY: Craig McCarthy for Affiliated
16 Bank.

15:26:56 17 All previous offers as to modification of
18 judgment, forgiveness of attorney's fees on the order
19 that's been entered by this Court, are withdrawn.

15:27:03 20 THE COURT: Okay. That's the end of the case.

15:27:07 21 MR. HANSEN: Same for Campbell.

15:27:10 22 MR. BROWNING: May we be excused, Your Honor?

15:27:12 23 THE COURT: If they walk through that door,
24 that's it. So you better make up your mind by the time
25 it takes them to walk out that door.

15:27:21 1 MS. PARKS: But I don't even know what my --

15:27:26 2 THE COURT: Walk slowly.

15:27:28 3 MR. ALEXANDER: Thank you, judge.

15:27:29 4 MR. BROWNING: Thank you, Your Honor.

15:27:30 5 MS. PARKS: Can you give me a second? I've been
6 dealing with this for two years. This is my livelihood.
7 Do you not mind giving me one second -- giving me a
8 second to think about this?

15:27:40 9 MR. ALEXANDER: We gave you plenty of time.

15:27:41 10 MS. PARKS: How, if this just came on my table?
15:27:44 11 You are cruel. This is gross. This is my life.
12 This is my kids' life. Give me a fucking second. I'm
13 sorry.

15:27:51 14 THE COURT: You had a second.

15:27:53 15 MS. PARKS: But I haven't had a chance to
16 talk.

15:27:55 17 THE COURT: You've said all you want to say.
18 There's nothing else for me to decide.

15:28:00 19 MS. PARKS: Can I just have a second so I can
20 talk to my dad for a second?

15:28:04 21 THE COURT: No. Their offer, they've withdrawn
22 it.

15:28:09 23 MS. PARKS: Can I not get a second to talk to my
24 dad? Will they not give me that?

15:28:14 25 THE COURT: He wasn't here for this discussion.

1 I doubt they want to repeat it.

15:28:18 2 MS. PARKS: I don't need them to repeat it. I
3 would just like to speak to him.

15:28:23 4 THE COURT: I'm leaving.

15:28:25 5 MS. PARKS: Is all this on record?

15:28:26 6 THE COURT: Yes, it's on record.

15:28:28 7 MR. BERENT: Guys, can you give us two seconds,
8 seriously?

15:28:31 9 MR. MCCARTHY: With all due respect to all the
10 parties involved, the time that has been offered today
11 already is more than should have been needed to make this
12 decision. And we've given plenty of opportunities for
13 this sort of thing to happen in the past, and, frankly,
14 we've just hit the end of our patience. The offer is
15 withdrawn, and there's really nothing else to discuss.

15:28:51 16 THE COURT: I ask you, as the judge of this
17 court, having listened to y'all the last two hours, if
18 you would give her about one minute.

15:29:00 19 MR. MCCARTHY: We would be happy to do that,
20 Your Honor.

15:29:03 21 THE COURT: Okay.

15:29:05 22 (Pause)

15:29:05 23 THE COURT: What did you decide?

15:31:22 24 MR. BERENT: I believe we have an agreement,
25 Your Honor.

15:31:27 1 MR. BROWNING: Your Honor, it's our
2 understanding Ms. Parks has agreed to accept the generous
3 offer for the defendants to forego their -- for seeking
4 attorney's fees that's currently reflected in the
5 judgment that the Court signed March 24, in exchange for
6 full waiver of any appeal or further filings, release of
7 both Mr. and Mrs. Campbell and Affiliated bank.

15:31:58 8 MR. BERENT: I guess it's just the order stands,
9 absent the attorney's fees.

15:32:01 10 THE COURT: There will be no judgment otherwise.
11 There will just be a dismissal order with prejudice.

15:32:06 12 MR. BROWNING: And, Your Honor, I've summarized
13 it, but I would ask the Court to ask Ms. Parks to
14 indicate her agreement with this on the record.

15:32:14 15 THE COURT: I will, through you.

15:32:18 16 MR. BERENT: Just so I'm clear, it's going to be
17 a dismissal with prejudice.

15:32:22 18 THE COURT: Right.

15:32:22 19 MR. BERENT: With no fees.

15:32:25 20 MR. HANSEN: And Ms. Parks, by her verbal assent
21 here today, is giving a full and complete release of
22 Affiliated and the Campbells of any and all claims that
23 she has brought or --

15:32:34 24 THE COURT: Well, kind of it's done if she says
25 so on the record. So you're probably not going to get a

1 written release.

15:32:39 2 MR. HANSEN: It doesn't have to be written.

15:32:41 3 MR. BROWNING: We would like her verbal
4 acknowledgment of this on the record.

15:32:44 5 MS. PARKS: That I'm not going to come back
6 after you?

15:32:47 7 THE COURT: No, you can't because it's with
8 prejudice. They complicated things with their
9 legalese.

15:32:56 10 MR. BERENT: What their offer is having --

15:33:00 11 THE COURT: Everybody goes their way, and y'all
12 stay away from each other, but they drop the judgment
13 against you.

15:33:07 14 MR. HANSEN: That's correct.

15:33:13 15 THE COURT: That's all you have to agree to.

15:33:17 16 MR. BERENT: There will be no judgment against
17 you. I'm not telling you what to do. I'm not pressuring
18 you. It's your decision.

15:33:40 19 MS. PARKS: I'm set up.

15:33:43 20 THE COURT: You accept?

15:33:46 21 MS. PARKS: I was set up.

15:33:46 22 MR. BERENT: Do you accept the deal? That's
23 what they want to know. That's what the judge wants to
24 know.

15:33:54 25 MS. PARKS: My name is ruined.

15:33:57 1 THE COURT: They did send in that order based on
2 Rip Off where they had to stop. It has to come off. Did
3 it?

15:34:05 4 MS. PARKS: It doesn't. It won't. It will not
5 come off.

15:34:09 6 THE COURT: It will because there's a court
7 order.

15:34:11 8 MS. PARKS: No, it will not.

15:34:12 9 MR. BROWNING: Your Honor, they represented that
10 she had agreed to that term. We simply want a verbal
11 assent.

15:34:16 12 THE COURT: Do you agree?

15:34:19 13 MS. PARKS: But it will not come off. It
14 absolutely --

15:34:22 15 THE COURT: You're not a lawyer, and there are
16 repercussions if they don't.

15:34:25 17 MS. PARKS: No, but I'm saying Rip Off Report
18 will not remove it even with a court order.

15:34:29 19 THE COURT: Let me say one last thing. Bear
20 with me here.

15:34:33 21 If they violate this court order, then if you
22 went to trial against the defendants and you won, you
23 still couldn't stop this problem you have from Rip Off.
24 So there's nothing to gain by suing them --

15:34:50 25 MS. PARKS: Damages.

15:34:51 1 THE COURT: -- because if Rip Off doesn't obey
2 my court order. So we're back to the same spot. They
3 have a court order. They have to take it down. If they
4 don't, then talk to your attorney about what we can do
5 after that.

15:35:08 6 MR. BROWNING: Your Honor, not to belabor the
7 point --

15:35:12 8 MS. PARKS: You don't care about me. I'm just a
9 black person in your courtroom. You don't care about
10 me.

15:35:19 11 THE COURT: What are you going to do? Are you
12 going to dismiss it with prejudice or not?

15:35:23 13 MS. PARKS: I just need a second. Can I just
14 have a second?

15:35:28 15 THE COURT: No, I'm going to leave. I'm going
16 to hit that door and not come back.

15:35:32 17 MS. PARKS: Whatever y'all want to do.

15:35:34 18 (Simultaneous speakers)

15:35:35 19 THE COURT: If you don't say it on the record,
20 the judgment stands.

15:35:38 21 MS. PARKS: It's whatever you guys want.

15:35:41 22 THE COURT: I don't want a judgment against you,
23 but I can't make that agreement for you.

15:35:41 24 MS. PARKS: You should have thought about that
25 before.

15:35:45 1 THE COURT: I can not make this agreement for
2 you. It's only one you can do.

15:35:50 3 MS. PARKS: What if I wasn't here? I didn't
4 have to come, but my life is still important to me that
5 I -- you know, my livelihood and what I've worked for 42
6 years --

15:36:00 7 THE COURT: Okay. I'm walking.

15:36:02 8 MS. PARKS: Okay. Whatever you want.

15:36:04 9 THE COURT: No. If you don't --

15:36:07 10 MS. PARKS: Whatever you want. You're the
11 judge.

15:36:09 12 THE COURT: You know what? I don't get and will
13 not make that call for you. That is not my place.

15:36:16 14 MS. PARKS: I mean, you put me in this position.
15 I take it. I take it.

15:36:20 16 THE COURT: You take what?

15:36:21 17 MS. PARKS: The deal. I'm being put on the
18 spot.

15:36:24 19 THE COURT: I'm not offering you a deal.

15:36:25 20 MS. PARKS: I've been threatened if I go to
21 sanction. You know, I've been threatened. I've been
22 told what to do. I haven't had the representation that I
23 wanted to have. You guys don't care about me.

15:36:36 24 I'll take it. I'm a prisoner in your courtroom.
25 I'm take it. I'll take whatever you guys want to

1 fricking give me.

15:36:45 2 THE COURT: I don't want to give you anything --

15:36:46 3 MS. PARKS: You did. You signed a judgment
4 without even seeing the evidence that they presented.

15:36:50 5 THE BAILIFF: You want to go to jail? Because
6 I'm about to put you in jail for disrespecting the
7 judge.

15:36:55 8 MS. PARKS: I'm not trying to disrespect her.

15:36:57 9 THE BAILIFF: Yes, you are. Lower your tone of
10 voice.

15:37:01 11 THE COURT: You either accept their offer now or
12 the judgment stands. I know what I would like for you,
13 but I can't choose. And the way you're phrasing it, it's
14 not good enough.

15:37:13 15 You either accept the deal or you say no. Take
16 your pick. Yes, I accept the deal, or, No, I want the
17 judgment against me.

15:37:22 18 MS. PARKS: I'm forced to accept the deal.

15:37:25 19 THE COURT: Forced, if you put that word in
20 there, it will not hold, and the judgment will stand
21 against you. I think. Because it will show coercion,
22 and then there's no agreement, and then it won't work.

15:37:36 23 MS. PARKS: I accept the deal.

15:37:39 24 THE COURT: Okay. Is that good enough for
25 everybody?

15:37:45	1	MR. McCARTHY: Good enough for us, judge.
15:37:45	2	MR. BROWNING: Yes, Your Honor.
15:37:46	3	MR. HANSEN: Thank you, Your Honor.
15:37:48	4	THE COURT: You're welcome.
15:37:49	5	MR. BROWNING: May we be excused, Your Honor?
15:37:51	6	THE COURT: You may.
15:37:52	7	(End of proceedings)
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15:37:52 1 STATE OF TEXAS)

15:37:52 2 COUNTY OF DALLAS)

15:37:52 3 I, Janet E. Wright, Official Court Reporter in and
4 for the County Court of Dallas County, Texas, County
5 Court at Law Number Three, State of Texas, do hereby
6 certify that to the best of my ability the above and
7 foregoing contains a true and correct transcription of
8 all portions of evidence and proceedings requested in
9 writing to be included in the Reporter's Record, in the
10 above-styled and -numbered cause, all of which occurred
11 in open court or in chambers and were reported by me.

15:37:52 12 I further certify that this Reporter's Record of
13 the proceedings truly and correctly reflects the
14 exhibits, if any, admitted by the respective parties.

15:37:52 15 I further certify that the total cost for the
16 preparation of this Reporter's Record is \$100.00 and was
17 paid by Ms. Parks.

15:37:52 18 WITNESS MY OFFICIAL HAND this the 17th day of
19 June, 2016.

15:37:52 21 /s/ Janet E. Wright

15:37:52 22 JANET E. WRIGHT, Texas CSR #1532
15:37:52 Expiration Date: 12-31-17
15:37:52 23 Official Court Reporter
15:37:52 County Court-at-Law No. 3
15:37:52 24 600 Commerce Street, Suite 585
15:37:52 Dallas, Texas 75202
15:37:52 25 214/653-7831

Cause NO. CC-19-01614-D

TONYA PARKS, PARKS REALTY
FIRM,
PLAINTIFFS

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IN THE COUNTY COURT

AT LAW NO. 4

vs.

AFFILIATED BANK ET AL.,
DEFENDANTS

DALLAS COUNTY, TEXAS

RECUSAL

The Judge of this Court being advised as to the pleadings, the issues, the procedural history, the identity of the parties and their counsel, and in the interest of justice and of judicial economy finds that it is appropriate, on the Motion of the Court, that she recuse herself from any further matters associated with this cause. Matters associated with this cause that must be decided are as follows: Plaintiff Parks' Bill of Review and Defendants Affiliated Bank, Affiliated Bank FSB, Affiliated Bank FSB, Inc. And Bancaffiliated's Plea to the Jurisdiction.

The Judge of this Court understands that her voluntary recusal would remove her and not the court as an entity from participating in this case. However—based on this Judge's review of the pleadings, the issues, the procedural history, the identity of the parties and their counsel, the interest of justice and of judicial economy—this Judge respectfully recommends that the remaining matters associated with this case be

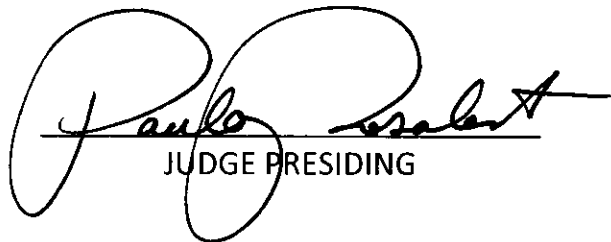
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ORDER - RECUSAL
2188006



transferred and reassigned to a County Court at Law outside of Dallas County.

IT IS THEREFORE ORDERED that this cause be, and it hereby is, certified to the Honorable Administrative Judge for transfer and reassignment and for such other proceedings as may be deemed proper.

SIGNED this 4th day of November 2019.


JUDGE PRESIDING

