

# Mark Stevens Bill for Legal Services for Judge Cox

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9.25.14 NC TC from Judge Cox. Discussion re possible representation. Judge Cox indicates fees may be an issue. MWS indicates not an issue and reassures Judge Cox that he owes nothing whatever in terms of favors, something that need not have been stated. MWS advises that he would have called Cox but thought it would have been presumptuous.

9.25.14 1.0 Home Visit w/Judge Cox and Allison c. 8-9 pm. Discussions re fact, representations, etc. Preliminary research prior to visit discussed. Various options discussed including cross filing for mandamus.

9.26.14 1.5 Early AM Continue Research esp. as to El Paso Courthouse case and Mays v. 5<sup>th</sup> Court of Appeals. Phone Message left w/Judge Cox.

9.26.14 1.5 9:00 - 10: El Paso County Courthousep Mays v. 5<sup>th</sup> Court of Appeals. 188<sup>th</sup> District Court. 10:15—10:50 Continued drafting; Memo to Judge Cox with very rough draft. Check courts. James P. Allison is highly experienced and appears to prefer litigating in Austin but does so statewide; no suit on file yet in Houston, Austin or Texas Supreme Court.

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10.7.14 2.5 3.0 2:30-5:30 TC from Allison. Resume work; PM visit w/Judges Cox & Ellisor. Contact Bonnie Quiroga etc. Copy documents sent by County 10.56/Speedy;s

Print Copies of Mandamus & Motion for Emerg. Stay.

10.7.14 1.5 7:00—8:30; PM; Read Mandamus Application and Motion for Emerg. Stay following brief review of TRAP 52. Salient points are lack of specificity and probable (demonstrable) shading of facts in violation of TRAP 52. Particularly note absence (misleading) of setting which was placed back to 9/24 and fact that all judges were in trial. Note to contact James D. Yarbrough, former Co. Judge.

10.8.14 6.0 Generally Full day. Visit w/Judge Cox AM; proceed to draft Response to Emergency Relief Motion. File Same; Refile to correct error. Afternoon Draft Aff of Bonnie Quiroga per her notes and meet w/Bonnie Quiroga at length to discuss her correctsion, revisions etc. Break c. 5:00

pm. Court of Appeals issues order in late PM c. 4:30, not mentioning emergency relief but setting Respondent's response date at 10/22/14 with Reply to Follow w/I Seven Days. Emails advise judge cox.

10.12.14 2.0 Review Statutes; Note opening for AG representation. Review and revise Quiroga Affidavit per her notes.

Saturday	Bonnie Aff 3.0
Sunday	1/2 day on brief 3.0
Monday	Full day on Brief 6.0
Tuesday	Full Day/Meetings w/Judges Cox and Ellisor 6.0
Wednesday	Full day after 10:00; Meeting w/Judge Cox File at c. 4:30 pm. Via efile.6.0

40 Hours as of 10/22/14

11.2.14 1.5 Attention to Response to Response; emails etc. Email Motion and Supp. Response to opposing counsel on 11/1. Prodoc down for day. Efile on Sunday 11/2; will check for accuracy of filing.

Prodoc Fees \$13.62 for Motion  
3.62 for Supp. Response.

2.2.15 4.0 Resond w/Emerge Motion in view of Commissioners action re workshop meeting.

6.9.15 5.0 Preparation on Emerg. Basis of TRO application; File etc. Obtain process & Serve

6.12.15 1.0 Attention to Mandamus in Supreme Court; Response due Wed. 17<sup>th</sup> at midnight latest. Interview w/KPRC /& Bonnie Quiroga.

6.13.15 8:00—9:40; 1.5 Intense time on Response to Mandamus. (COXSUPMANDAMUS)

6.19.15 3 subpoenas for Mark Henry, Robert Boemer and Henry Trochesett through DC office Efiled @ 79 per = \$237.

6.13.15	4.0	Work on Mandamus
6.14.15	3.5	Work on Mandamus
6.15. 5	4.0	Work on Mandamus
6.16. 15	4.0	Work on Mandamus
6.17.15	6.0	Work on Mandamus; Filed c. 6:30 pm
6.18.15	8.0	TrialPrep
6.19.15	8.0	Hearing

7.17.15 6.0 Accumulated time in resonding to Letters of Nixon and Order of Henry.

Motion to Enforce; Emergency Motion to Enforce.

7.18.15 3.0 Supplemental Motion in View of Emails showing origin of transmission of Henry's Memorandum.

7.21.15 3.9 Time responding w/Draft to Order of Mediation. Draft submitted to Judge Cox. MWS to check w/source on Henry's remark in court on July 6.

8.4.15 2.0 File Response to Multifaceted Motion for "abatement" etc.

8.5.15 NC Note possible helpful case Finance Commission of Texas v. Norwood, 418 S.W.3d 566 (Tex. 2013) which may indicate that Courts can override even constitutional provisions to protect own jurisdiction & prerogatives.

AS of 8.08.15 60.0 Hours Plus Expenses above.

9.11.15 2.0 Attention to Mootness Motion

9.12.15 4.0 Drafting on Reply to Mootness Motion

9.13.15 3.5 Final Drafting on Mootness Motion. Forward to Judge Cox for Review.

9.14.15 1.5 Revise and finalize Mootness Motion. Efile & Copies forwarded.

9.15.15 5.0 Work Pm/PM on Orig Peti for injunction

9.16.15 8.0 Orig Petition for injunction efiled 10:20 pm

9.18.15 1.5 Draft & File Opposition to M/Extension.  
Efiling 13.63.

9.19.15 4.5 Drafting on Brief in 01-15-00583-CV

9.20.15 5.0 Continue Drafting 01-15-00583-CV

9.21.15 4.0 Brief

9.22. 4.0 Brief

9.23 4.0 Brief

9.24 8.0 Complete Brief Filed. Efile fee \$3.40

10.14.15 5.0 Prep for Oral Argument etc. Research on Cases cited in "Reply" Brief  
Filed on 10/12/15.

10.15.15 6.0 Home/Preparation for Arguments 3.0  
Argument in Houston /prep and attendance. 3.0

10.16.16 NC Notes to coxargument notes re followup Brief. Court gives 10 days for submission and 5 days presumably for MWS Resonse for Cox.

12.22.15 2.0 Receive and review Court of Appeals opinion.

12.22.15 3.0 Attention to Motions filed including Motinos to Recuse.

12.23.15 2.5 Attention to Motions to Recuse/Research

12.29.15 4/5 Accumulatged time in drafting response to Motion to Recuse. Incluging review of Judge Underwood's order of 12/28 rec'd 12.29.

12.30.15 6.0 Prepare and attend Motion to recuse regarding Judge Wood/ Judge Giblin Presiding.

12.31.15 4.0 Review, update and revise 2<sup>nd</sup> Amd. Petition and Rule 37 motion (combined document). File same via efiling \$5.40

1.4.16 5.0 Accumuated time in preparing and filing Objection to Jury Request and Opposition to Motion for Continuance

1.4.16 3.0 Email to Nixon who suggests serving Commissioners directly. Prepare and efile Requests for 5 citations. Fees \$98 Efiling \$5.40

1.4.16 2.5 Time obtaining Citations for Dennard et al; deliver to process server in LC for service on commissioners at scheduled 2:00 meeting.

Service fee \$300.

Hours as of 1.4.16: 157.9

Expenses: \$668.22 PLUS Filing Fees for TRO on 6/9/15.

1.5.16 3.5 Research, Draft and File Motion for Contempt per TRCP 692. Cost of filing \$83.60 efiled 7:00 am.

1.7.16 5.0 Informed by Court of Motion to Extend deadline for Petition for Review. Advise Court will file on 1/8. Work into evening on Reply etc.

1.8.16 8.0 Entire Day to 6:30 pm. File Combined Objection and Motion to Partially Lift stay.

**Filing Cost \$13.63.**

1.9.16 NC TC from Bill Henderson, atty w/Ed Emmett's office 713 922 0709 seems to be touting mediation as a way of resolving "reasonable" salary. Tried to inform him that there is much more to this case than BQ's salary.

1.11.16 2.8 Revise Filing per instruction from Sup Court Clerk's office. Add Exhibit N per additional Filing. Cost \$23.92 efilng.

1.11.16 \*\* Research/Note Kentucky Case Hughes v. Meade, 453 S.W.2d 538 (Ky. 1970) re limits on atty client privilege where purposes of attorney are not for legal advice but other, e.g., anonymity or concealment.

2 8 16 See American Type Culture Collection, Inc. v . Coleman, 83 S.W.3d 801 (Tex. 2002) re discussion of what amounts to a question of law for Sup. Jurisdictional purposes.

6.19.1'6 .8 research; note Tom Green County v. Proffitt, 195 SW2d 845 (Austin 1946 dism'd w.o.j.) Involving Court reporter salaries. H: Court Reporter Salaries are "incident for the functioning of the courts which the legislature [provides?] under [Tex. Const.] Art V, Sec. 1." Compare Court Reporters to Justice Admin director. See also Harris Co. v. Hunt, 388 SW2d 549 (Houston 1965) and Wichita Co. v. Griffin, 284 SW2d 253 Fort Worth 1955.

8.17.16 1.0 UH Law Library.

See Gardner v. ??? 345 S.W.2d 274 Tex. 1961 (app. Court may take judicial notice of records regarding the same subject matter, between the same or practically the same parties....")

Notes from O'Quinn Law Library 8.7.16

Tenn. 2012 Hooker v. Haslam, 393 S.W.3d 710 Courts have the inherent judicial power to exercise their jurisdiction to administer justice and to preserve their independence and integrity

State v. Iowa Dist. Court for Johnson County, 750 N.W.2d 531 Iowa 2008 orderly and efficient exercise of its own jurisdiction

State v. MLA, 785 N.W.2d 763 review denied Minn. App. 2008 relief requested by the court or aggrieved party must be necessary to the performance of the judicial function as contemplated in state constitution...not to serve the relative needs or wants of the judiciary, but only for practical necessity of performing the judicial function.

9.8.'16 1.5 Obtain copies thru County Law Library of Cases from other states cited in index to brief on the merits filed 9.7.; Review same 1.0

9.8.16 1.5 Review Opinion of Court of Appeals prep for Brief on Merits Review

9.9.16 2.0 Meeting w/ LC, Judge Sullivan and ACT in Galveston Re current status, appellate options, etc.

9.10.16 4.5 10:00—11:45; 1:00—2:30; 3:00—4:30 Commence intense review of Brief on Merits; Commence w/Brief review of Brief of LC before Court of appeals. Draft Template cox150993brf

9.11.16 4.5 Continue Briefing thru Sect 1C. Note temporal relationship between Vondy followed by Mays. Mays appears to be Judicial dictum and persuasive unless shown to be wrong. NB service history of all concurring justices in Mays were on the bench when Vondy II came up. Appear to have been disappointed in time lag in vondy litigation.

9.12.16 \*.\* 8:00—9:30; 6:00pm -9:00 m Continue; compose time line on Vondy and relate Vondy I to Mays Concurrence; virtually identical language.

9.13.16 3.0 6-9 PM continue on section involving Michigan Pennsylvania casews. Detailed review Will likely not go into Routt and similar cases for space limitation reasons and farfetched relevancy.

9.14.16 5.0 10:00 am-6:00 pm I Continue. Into Section II. Note in particular that Spears was author of Vondy I and probably felt burned by what happened later, hence concurrence in Mays. Also note and preliminarily brief that simply ordering a “reasonable” salary is futile because of maneuvers like Vondy, and also because it is too vague to be enforced by injunction, mandamus or contempt following those actions

9.15.16 2.0 3:00—5:00 Continue on Brief, Sec III. “Single Commissioner” and in particular additionally noting that appearance and testimony of Henry, Dennard and Holmes constituted a general appearance by a quorum and majority of commissioners.

9.16.16 1.0 Early AM. Continue work on Section IV. Mootness and Statutory construction, noting from Vondy exposure to criminal prosecution under PC 39.01(a)(3).

9.24.16 6.0 Intense work on Brief.

9.25.16 4.0 Sunday/Conclude Brief

9.26.16 1.0 Final revisions/Pagination. File Brief. Receipt taken.

12.18.16 \*.\* Work on Pleading due to plan to appoint cc administrator at cox150993121916

12.19.16 6.0 Accumulated time on emergency motion coxemerg121916 filed 9:40 am to Sup. Court.

3.7.17 3.5 Preparation for Oral Argument

3.8.17 8.0 Continue Preparation

3.9.17 4.0 Attend Oral Argument at Austin

Hotel \$ 169

Parking 25

5.19.17 1.0 Receive judgment from Tex Sup. Court. Confer w/Judge cox re same; read opinion and notes for research

5.19.17 NC Confer w/Various journalists re advising of opinion.

5.20.17 1.0 Investigate law on right to jury trial. Possible cases include Barshop v. Medina County Underground Water Corporation District, 925 S.W.2d 618, 636 (Tex. 1996) ("any action that is the same or analogous to those actions that could have been submitted to a jury in 1876....")

See also Tex. Assn. of Business v. Texas Air Control Board, 852 S.W.2d 440 (Tex. 1993); Corzelius v. Harrell, 196 S.W.2d 961 (Tex. 1945) ("Certain functions including fact finding may be delegated constitutionally by the legislature to administrative agencies in furtherance of the preservation and conservation of the state's natural resources." Cf. Credit Bureau, 530 S.W.2d 288, 292-93 (Tex. 1973)(regarding "special circumstances" under which jury may not be demanded). NOTE: See enabling statute under art V Sec. 8 and possible cases thereunder; Also check prior opinions for ABSENCE of Juries; Also check law under MANDAMUS in District Court for Jury vel non

243 hours x \$66/Hr. - \$ 16,039.

Expenses

(See attached tabulation) \$ 1,549.18

Total \$17,587.18

*Thank You!*