

Attorneys file requests for recusals

Danielle Kloap | Posted: Thursday, December 3, 2015 10:57 am

Two attorneys have filed motions to have 6th District Judge Eric Clifford recuse himself from cases after hearing comments he made during testimony before the State Commission on Judicial Conduct.

Attorney Don Haslam said Clifford recused himself from two cases for one of his clients before the attorney could file motions to recuse. The cases, Haslam's remaining two appointments in Lamar County, were then transferred to Lamar County Court-at-Law Judge Bill Harris.

Haslam filed a motion in each case for his client to recuse Harris, citing questions about his impartiality and bias against Haslam after Clifford's commission testimony.

One of the complaints Clifford testified about concerned Haslam being removed from the rotational appointment list of public defenders for felony cases. During the hearing, Clifford said Harris visited him while recovering in Dallas from a scooter wreck in 2014 to discuss removing Haslam from the felony appointment rotation.

Clifford said Harris requested his permission to have Haslam removed and he granted it. Clifford went on to say he was in "no shape to go to Paris or do anything" and guessed "Harris called up and said take him off," referring to Haslam.

The commission's reprimand states Clifford sent an email to the Lamar County district clerk ordering the removal of Haslam from the appointment wheel "until Haslam's case load had been depleted," but did so without a vote of the judges pursuant to the Lamar County Indigent Defense Plan.

After the cases were transferred to Harris, Haslam filed the motions to recuse Harris because of Clifford's testimony about Harris' involvement in having him removed from felony appointments in Lamar County.

"The SCJC testimony that Harris traveled 90 minutes or more to request Haslam's removal from the felony wheel is indicative of genuine personal antipathy," Haslam's motion states. "... This is not a report to be taken lightly — it was made by a sitting district court judge under oath."

Harris on Nov. 24 said he "did not agree with what was contained in the motion."

"I had nothing to do with that but that is what Mr. Haslam believes or he has taken that position," Harris said. "I am not going to engage him on that and rather than ... to keep these cases from getting reversed on appeal or accusing me or anyone else of improper conduct, I chose to simply remove myself and cure the problem."

Harris said he visited Clifford “a number of times” while in the hospital but does not recall discussing Haslam or talking about having him removed from the rotating appointment wheel.

“I don’t have any specific recollections about talking about any particular case or any particular attorney,” Harris said.

Mark Leshner, an attorney from Mount Pleasant, filed motions for Clifford to recuse from 12 cases in Red River County in early October.

In the motions, Leshner states “Clifford has a personal bias or prejudice concerning counsel in that Judge Clifford likely suspects that counsel participated in the complaint that led to Judge Clifford’s public reprimand.”

Leshner said “the motions speak for themselves” and did not comment further.

Read more about how Clifford's testimony before the state commission and other motions to recuse has impacted courts here.