

State Commission on Judicial Conduct

PO Box 12265
Austin, TX 78711-2265
Tel. (512) 463-5533 · Toll Free: (877) 228-5750

For SCJC use only.

Complaint Form

- If you are filing a complaint about more than one judge, please use a separate form for each judge.
- You may complete this form online before printing.
- Send the completed form and any additional pages or related documents to SCJC.

* Indicates required fields. Please note that faxed complaints will NOT be accepted.

*Your name: George Donald Haslam, Jr.

*Judge: Eric Clifford

*Mailing Address: 3131 McKinney Avenue, Suite 600

*Court Number: 6th D. Ct.

*City, State Zip: Dallas, TX 75204

*City and County: Paris/Lamar

*Date of Birth: 11/05/59

Your Phones: Day (469) 333-7055

Evening (_____) _____

Cell/Other (903) 739-9221

Best time to call you: any A.M. P.M.

If your complaint involves a court case, please provide the following information:

Cause Number: _____ Status of your case: Pending Concluded On appeal
Your attorney: _____ Opposing Attorney: _____
Address: _____ Address: _____
City/Zip: _____ City/Zip: _____
Phone Number(s): _____ Phone Number(s): _____

PLEASE FILL IN ALL INFORMATION AVAILABLE FOR ANY WITNESSES (attach additional pages as needed)

Name: Gary Young

Name: Hon. Gary Brock

Address: 19 N. Main Street, Paris, TX 75460

Address: 109 N. Central, Idabel, OK

Phone Number(s): 903-737-2458

Phone Number(s): 580-286-2171

What did this person witness?

Young observed Hon. Bill Harris dispute Clifford's August 2015 SCJC testimony that Harris urged Clifford to remove Haslam from the Lamar County appointment list.

What did this person witness?

Judge Brock will reject Clifford's August 2015 SCJC testimony that Haslam was "banned" by a judge from the Choctaw County [OK] courtroom. Ever.

If you are submitting documents, please provide copies, not originals.

I understand that as part of the Commission's investigation the judge may be provided a copy of this complaint. Please note the Commission will do its best to maintain your confidentiality, **if you so request**. However, it may not be possible for us to pursue our investigation without revealing your identity at some point. If it is necessary to reveal your identity directly to the judge, we will advise you before proceeding.

I request that my identity be kept confidential. Yes No

*Signature: [Handwritten Signature]

*Date: November 15, 2015

How did you hear about the State Commission on Judicial Conduct? (please select one) State Bar of Texas

Another State agency News media Attorney Friend Other: _____

Details of Complaint

Please type or print the factual details of your complaint in the space provided below. **Please include the date(s) of the alleged misconduct.** If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

*Date(s) of Alleged Misconduct of Judge: August 14, 2015

***Factual Details of your complaint against Judge:**

1. Clifford testified under oath to and submitted written answers to written questions promulgated by the SCJC on or about August 14, 2015. In several places in the written and oral testimony, Clifford testified that the Hon. Bill Harris [County Court at Law, Lamar County] had travelled to a Dalas hospital in June 2014 to urge Clifford to join him in removing the undersigned, G. Donald Haslam, Jr., from the felony appointment wheel. Because the Lamar County Indigent Defense Plan requires a majority vote of the judges with jurisdiction to hear such cases for attorney removal, Clifford explained Harris came to him with his own decision for removal and expressly urged Clifford to join him to achieve the majority required. Clifford testified he agreed with Harris but that Harris must have subsequently taken the requisite steps to accomplish removal.

This testimony appears to be false. The Texarkana Gazette reported October 18, 2015 it had interviewed Harris about Clifford's testimony in this regard and Harris flatly denied speaking to Clifford about it in the hospital or otherwise participating in this effort. [See attached Exhibit "A"]. Further, Lamar County District Attorney Gary Young advised the undersigned that Harris came to his office and told him that he had moments earlier been interviewed by the Gazette and that he had rejected Clifford's testimony in this regard. Still further, Harris expressly rejected Clifford's testimony in this regard when asked by the undersigned.

It appears Clifford lied under oath about Harris's involvement in this matter.

2. Clifford testified in the same proceeding that Haslam had been banned from the Choctaw County [Hugo, Oklahoma] courtroom by a sitting judge.

The undersigned served as de facto public defender in three SE Oklahoma counties from July 2007 through June 2011. Oklahoma administers indigent defense differently than Texas. In 75 of Oklahoma's 77 counties, the Oklahoma Indigent Defense System contracts with private attorneys to defend indigent defendants. These contracts are competitively bid for.

When the undersigned ["Haslam"] had this contract, he had responsibility for approximately 1500 felonies, 1500 misdemeanors, 100 juvenile delinquent and de minimis traffic matters annually. Haslam eventually settled into the daily management of the Choctaw County responsibilities and hired attorneys to staff the remainder. He officed in Hugo from 2007 to 2011.

The Hon. Jamie Wolfe was the elected District Court Judge in Choctaw County at all times from 2007-2011. Oklahoma Courts are of general jurisdiction; Wolfe sat on criminal matters. Because Oklahoma generally proceeds by information rather than indictment, criminal procedure necessarily involves a full-on evidentiary preliminary hearing to establish probable cause. By statute, if a bindover is accomplished by the State at preliminary hearing a defendant is re-arraigned before a second judge who has exclusive jurisdiction through the disposition of the case. The significance of this background is that as often as not, another judge besides Wolfe was involved in Haslam's appearances in Choctaw County.

*Printed Name: G. Donald Haslam, Jr.

*Signature: _____

*Date: _____

Judge Wolfe died in 2014 and is unavailable to tell the SCJC what Haslam knows to be true: Haslam was never banned from the Choctaw County courthouse, or, for that matter, any other courthouse anywhere. However, the Hon. Gary Brock was often that second judge involved in Haslam's Choctaw County proceedings. As an Associate Judge, Brock was the workhorse of that three county judicial district including Choctaw, Pushmataha and McCurtian Counties. While he officed in Idabel in McCurtain County, he routinely traveled weekly to the other counties to preside over various dockets. He was the regular one of two judges in all of Haslam's Choctaw County criminal proceedings and presided over what must be in excess of 200 contested hearings defended by Haslam. He was regularly in the Hugo courthouse and regularly engaged with Judge Wolfe.

Accordingly, Judge Brock is a reliable voice regarding the abject falsehood that Haslam was ever banned from that courtroom.

In point of fact, there is no procedure for the banning of a lawyer from a courtroom in Oklahoma. I don't think it can be done without the forfeiture of a license or some sanction by the Oklahoma Bar Association that proscribes the practice of law by the sanctioned attorney, as with a suspension, for example. But Haslam has *never* been sanctioned by the Oklahoma Bar - *ever*. Further, Haslam has never been cited for direct or indirect contempt.

Several lawyers in the SE Oklahoma area are listed hereto as potential witnesses to the foregoing.

In short, it appears that Clifford lied under oath about the foregoing - this simply did not happen.

Witness List

1. Hon. Bill Baze, District Judge. Choctaw County, Choctaw County Courthouse, 300 E. Jefferson, Hugo OK 74743 (580) 326-3384. Judge Baze was the Choctaw County ADA for a short time while Haslam was public defender there. He has seen been elected judge. He can address the falsity of the courtroom ban claim.
2. Ms. Laurie K. Pollard, ADA, Lamar County TX, Paris TX 75460 (903) 737-2458. Ms. Pollard was an ADA in McCurtain County at all times Haslam was PD in that county and two others. Because her office was the District Attorney over all three counties, she litigated cases in Jamie Wolfe`s courtroom against Haslam from time to time. She can address the falsity of the courtroom ban claim.
3. Mr. Hack Welch, 307 E. Duke, P.O. Box 320, Hugo OK 74743 (580) 326-8361 [o] and (580) 372-4841 [cell]. Mr. Welch has been practicing law in Hugo for 40+ years. His office sits across the street from the courthouse. His father was the judge in Hugo for years. Mr. Welch was practicing at all times in Hugo from 2007-2011 when Haslam was PD there and can vouch for the fact that he was never banned from this courtroom or any other as far as he knows.

Exhibit “A”

article

Source: October 18, 2015 9:00 AM

From: "Lynn Larowe" <lynnlaro@yahoo.com>

To: "Don Haslam" <haslamlaw@att.net>

TEXAS | 6th DISTRICT

Judge makes claims while facing bevy of complaints

• Conduct panel reprimands Clifford; he issues allegations of drunkenness, mental illness against DA, defense attorney

BY LYNN LAROWE
TEXARKANA GAZETTE

ONLINE

To read the Texas Commission on Judicial Conduct's public reprimand of Judge Clifford or listen to audio recordings, follow the links at the end of this story.

Sixth District Judge Eric Clifford claimed an area district attorney drinks excessively and described a defense attorney as having mental problems during an appearance in August before the Texas Commission on Judicial Conduct.

Clifford's presence before the commission was meant to give him a chance to tell his side concerning a bevy of complaints about his conduct since 2009 when he assumed the bench that serves Red River and Lamar counties. The commission on Sept. 5 issued a ninepage public reprimand of Clifford for a wide range of misconduct.

Clifford did not return calls from the Gazette last week.

Because the reprimand was made public, the complaints leading to it, supporting documents and an audio recording of Clifford's sworn testimony given before the commission Aug. 14 are public records as well.

"We've got a problem with our district attorney, who is drinking too much," Clifford said of Lamar County District Attorney Gary Young. Young did not personally file a complaint against Clifford. However, all of the criminal cases referenced in the commission's Sept. 5 reprimand involve Young or an assistant district attorney he supervises. Clifford testified the Lamar County District Attorney's Office is unavailable to local law enforcement.

"They won't answer the phone at night," Clifford said. "They won't assist law enforcement in any form or fashion."

Young expressed dismay at Clifford's comments.

"I'm not sure what any of these statements have to do with the allegations against him. His credibility is lacking," Young said. "It's disappointing that an elected official would choose to lash out at another elected official when he's the one accused of wrongdoing."

Young said he is always on call. Paris, Texas, Chief of Police Bob Hundley agreed.

"I don't know of a time that I have called Gary that I haven't been able to contact him," Hundley said. "As far as our guys talking to the attorneys (in the Lamar County District Attorney's Office) on cases they're working on, I have never heard of problems."

Clifford claimed in the hearing that Lamar County Court at Law Judge Bill Harris is writing, or helping to author, search warrants because the District Attorney's Office won't.

"I may approve or sign them, but I'm not drafting them," Harris said. "I haven't written a search warrant since I left the DA's Office to become judge."

Harris also denied having anything to do with removing Paris lawyer Don Haslam from the list of attorneys who receive appointments to felony cases involving defendants too poor to hire a lawyer on their own. Haslam filed a number of complaints against Clifford, many of which are listed in the reprimand as examples of Clifford's misconduct.

Haslam's career includes service as the managing public defender for a multicounty district in Oklahoma before moving to Paris.

"I was the public defender in Push (Pushmataha), Choctaw and McCurtain counties from 2007 to 2011. I was responsible for the defense of about 1,200 felonies a year in those counties and as many misdemeanors. I knew indigency law very well when I started in Paris in 2012," Haslam said.

Haslam said he could not stay silent when Clifford threatened defendants with higher bonds and more time in lockup if they didn't agree to fork over cash for a lawyer. And when cases ended with a plea, Haslam spoke up against Clifford's practice of ordering attorney fees without a line item accounting of the expenses, called a "bill of costs," as required by law. The U.S. Constitution guarantees indigent defendants a lawyer at no cost.

Haslam said the more he objected, the fewer court appointments he received from Clifford. In June 2013, Clifford's assistant sent an email to Lamar County's district clerk directing that Haslam's name be removed from the felony appointment list until his current caseload was depleted. Clifford told the commission he did this because Haslam had too many cases, but court records show that at the time, Haslam had only one active felony case in Clifford's court, a case on which he had been retained, not appointed.

"Frankly, he has real, real mental problems," Clifford said of Haslam.

Haslam filed a civil rights lawsuit in January 2014 on behalf of a woman who was a spectator at a criminal trial. Upon observing the woman mouth words to the defendant, Clifford ordered she be searched. A female police officer strip-searched the woman and made her "squat and cough."

In June 2014, Clifford permanently removed Haslam's name from the felony appointment list. Clifford said he was in a Dallas hospital recovering from injuries he sustained in a scooter accident when Harris asked him to take Haslam off the list of lawyers eligible for court-appointed cases.

"Judge Harris came over and said, 'It has gotten to the point where I can't deal with him (Haslam) in any form or fashion,'" Clifford testified. "Harris said he's got to be removed, and I said, 'You got it, Bill.' I guess Harris called over there and said, 'Take him off.'"

Harris said he doesn't recall discussing Haslam during the hospital visit and denies having

anything to do with removing Haslam's name from the felony appointment list. Harris said he continues to regularly appoint Haslam to child-custody cases.

The commission asked Clifford why he assigns substantially more cases to Paris lawyer David Turner than to any other lawyers. Court appointments are to be made in even rotation among the lawyers who have met the requirements for placement on the court-appointment list. From July 2013 to September 2014, Turner was paid more than \$82,000, the most of any lawyer, for court-appointed work, while Haslam was paid about \$30,000.

The commission found Clifford's practice of playing favorites with court appointments and his removal of Haslam from the felony court appointment wheel violates Lamar County's Indigent Defense Plan. To remove an attorney from the felony-appointment list, a majority vote of the county's three judges is required.

Clifford told the commission he prefers to appoint Turner to murder cases because he believes cases are less likely to be overturned on appeal if Turner handles them. But Clifford's statements don't mesh with Turner's record. Turner was found to be ineffective in a Fannin County murder case in 2006, and the defendant's conviction was tossed out by the Court of Criminal Appeals. In "findings of fact" concerning Randall Walsh's guilty plea to murder, Turner's mishandling of the case is itemized.

Turner told Walsh that if he didn't plead guilty and accept a 35-year prison term, prosecutors could up the charges to capital murder and seek the death penalty—which was a misstatement of the law. When Walsh stated at sentencing that the shooting leading to the murder charge had been an accident, Turner failed to stop the hearing and ask Walsh what he meant. Accidental shootings might result in a lesser charge, such as manslaughter, or in no charges at all. Haslam has never been found ineffective.

Clifford maintained before the commission that Turner is the best lawyer for "major cases." Clifford said he cannot appoint Paris lawyer Jerry Coyle, who is on the Lamar County felony-appointment list, to sex abuse or murder cases because they will "come right back on appeal."

Coyle said that while he has not defended a murder case, he has handled sexual-abuse cases.

Clifford's appointment of Turner extends beyond murder and sexual assault. The commission questioned Clifford about several cases, including David Neeley's. Neeley was arrested on a possession of cocaine charge while riding Clifford's scooter. Clifford appointed Turner and signed off on probation when Neeley's case landed on his docket. Neeley worked on Clifford's collection of cars and lived in Clifford's airplane hangar for a few weeks.

While Neeley may have gotten a break because of his personal relationship with the judge, other defendants haven't been so lucky. Clifford called the chief of the probation department and demanded that a motion to revoke Jason Baker's probation be filed after a relative of Baker's complained to Clifford that Baker was "flunking" his drug tests.

Young, the prosecutor and Haslam, who represented Baker, agreed Baker would serve the remainder of his probation in jail after learning of Clifford's contact with the probation chief and of Clifford's independent investigation. When the case was called Aug. 20, 2012, Clifford refused to accept the plea and called Baker's probation officer to the stand, questioning him as a prosecutor would.

When questioned by the commission, Clifford said he was, "mad," admitted he had become too involved and, "reasoned his actions were necessary because Paris is a small town." Clifford eventually agreed to recuse himself from Baker's case.

Baker's is not the only case from which Clifford has had to step down because of public statements he's made or improper "ex parte" conversations he's had regarding a defendant. Among those cases is one involving the fatal shooting of a husband by his wife.

Clifford made statements at a local Kiwanis Club meeting such as, "Some people need to be killed," and said "the state will never get an indictment" for Kathleen Erskine. Erskine was indicted, the case was assigned to Clifford, Clifford appointed Turner, and the charge was reduced to manslaughter. Clifford agreed to recuse himself in Erskine's case after the Kiwanis statements came under public scrutiny.

Clifford recused himself from Jessica Mitchell's felony drug case after the District Attorney's Office became aware Clifford had invited her and her son to visit him at his hangar, promised not to send her to prison and offered to take care of her, and told her that he has sleep apnea.

"I never told her that," Clifford said of sleep apnea. "But it was pretty common knowledge in the courthouse when I went to sleep in the courtroom one day."

Clifford admitted appointing Turner to Mitchell's case without checking to see which lawyer came up next on the appointment list.

Clifford's reprimand includes numerous case examples that led the commission to conclude "that legitimate concerns about the judge's impartiality were raised" and that his conduct "constituted willful and/or persistent violations" of the code of conduct judges must follow.

Mark Leshner, an attorney with offices in Texarkana and Mount Pleasant, recently filed motions in Red River County asking that Clifford be removed from 12 pending criminal cases. A copy of Clifford's public reprimand is attached to each motion as an exhibit. The motions argue that Clifford's impartiality is questionable and that Clifford has "a personal bias or prejudice concerning counsel, in that Judge Clifford likely suspects that counsel participated in the complaint that led to the public reprimand."

Leshner said Clifford has denied the motions. That means the administrative judge serving the region must decide, or appoint another judge to decide, if Clifford should be allowed to preside over those cases.

Clifford's public reprimand has led him to end his service as a director of Lamar National Bank. The commission found that Clifford was using his title as judge to promote the bank, a private business. Clifford gave a lengthy statement to the bank explaining that while he knew his service on the board was prohibited, he continued to do so to look after his family's interest in the bank, which was worth more than \$10 million. Clifford said he receives about \$250,000 annually from the bank.

Despite that income and his state salary of about \$140,000, Clifford was sued by Lamar County for failing to pay more than \$37,000 in property taxes due in 2010, 2011 and 2012.

The commission did not address Clifford's delinquent taxes, but it did reprimand him for using his position as judge to demand that a neighbor pay him for veterinary bills and for

threatening a law enforcement officer.

Clifford's term expires Dec. 31, 2016. He has not publicly announced whether he will seek a third term.

To view a PDF of the Texas Commission on Judicial Conduct's public reprimand of Clifford, visit texarkanagazette.com and click on Supporting Documents above this story. For an audio recording of Clifford's appearance before the commission and a second recording related to a part of that testimony, visit soundcloud.com/evan-lewis-334500402/sets/judge-eric-clifford.