



JUDGE MARK MOREFIELD

75TH JUDICIAL DISTRICT COURT
LIBERTY COUNTY COURTHOUSE
1923 SAM HOUSTON
LIBERTY, TEXAS 77575
(936) 336-4678

September 13, 2017

Ms. Donna Brown
District Clerk
Liberty County, Texas

Re: Your response dated September 7, 2017 to my letter dated August 28, 2017

Dear Ms. Brown:

My letter dated August 28, 2017 was designed to bring to your attention a very dangerous practice of issuing writs of sequestration without complying with the Rules of Civil Procedure and court orders regarding the posting of bond. Such practice can result in civil liability for you in your official capacity and potentially Liberty County. I also wanted to be assured that adequate safeguards will be instituted to ensure future compliance by your office. I did not intend to reply to your response however, the self serving and incorrect statements contained in your response cannot go unanswered.

Your concluding statement that: "I welcome a chance for me and my staff to meet with you so that we could facilitate a better and more efficient way of performing our duties and satisfying your needs. . .", is, based on history, incredulous to say the least. As you should recall, during the first quarter of 2015 you made the decision, without consulting with the District Judges, to "go paperless"; meaning that the District Clerk's office would no longer maintain hard files containing the pleadings, orders and other matter filed in each case that comes before the Courts. When the District Judges heard about your unilateral decision and your intention to implement your decision on July 1, 2015, the District Judges met to discuss the mayhem your decision would cause the District Courts. I thereafter wrote you a letter dated June 1, 2015, advising you that without hard files the District Judges would be unable to do their jobs, resulting in harm to litigants and the citizens of Liberty County. By such letter I hoped you would recognize that your decision was ill-advised and I asked that you provide an acknowledgment, in writing, that you would not implement your decision until such time as the County could afford the expensive hardware and software needed to replace the historic hard file system. Despite my advice and request, you simply ignored

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my letter and “doubled-down” on your threat to go paperless. The District Judges had no choice but to issue a formal Order dated June 12, 2015, commanding you to not implement your “paperless” plan and requesting that you sign and deliver to each District Judge by June 24, 2015 at 12:00 noon a formal acknowledgment that you would continue to maintain hard files on each case to enable the Judges to perform their constitutional duties. Not until 11:55 a.m. on June 24, 2015 did you cause the acknowledgment to be delivered to the District Judges.

While the District Judges formally ordered you to do your job, the hard files upon which the District Judges rely continue to be incomplete beyond any possibility of human error. From June 2015 to date I have sent scores of lawyers and self represented litigants to your office because the hard files do not contain pleadings, motions, orders or other writings necessary to proceed in the case; documents which were filed days, weeks and even months prior thereto. Some of the documents were discovered in stacks piled on desks in your office while others could not be found. If you truly desire to “facilitate a better and more efficient way of performing (your) duties while satisfying (the Courts’), needs and requirements”, I would ask that you read the Order dated June 12, 2015 and comply with the terms thereof. Your compliance would save a great deal of time and expense for the Courts, the lawyers and the parties who expect and rely upon the Judge to know the contents of their files. Your self serving offer to “satisfy” the needs of the Courts rings hollow.

Lastly, your statement; “As you may know each county has different guidelines above and beyond what the statues (sic) designate that are promulgated by the District Judges for different legal processes, such as issuing writs”, is misguided. I have for 30 plus years, as a private practitioner and a Judge, been engaged in requesting and authorizing the extra ordinary remedy of sequestration. I am unaware of any district court in the State of Texas that promulgates special rules and procedures regarding authorizing or the formal issuance of writs. Pre-judgment writs of sequestration, injunction, garnishment, etc. are purely statutory and rule based remedies. The decision to authorize the remedy and the issuance of the writ depends solely on the applicable statute and the Rules of Civil Procedure. Rest assured, and I feel confident I can speak for Judge Cain, the District Courts of Liberty County will not authorize the issuance of a prejudgment writ unless the request is authorized by statute and conforms to the Rules of Civil Procedure. There are no “different guidelines” above and beyond the statutory law and the Rules of Civil Procedure. I ask only that when called upon by written order to issue pre-judgment extra ordinary remedies, your office strictly comply with the mandatory requirements set forth in the Rules of Civil Procedure and the order directing the issuance thereof.

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Please let this be our last exchange regarding this matter. It is the Courts' desire to work with your office to effectively and efficiently provide the quality of services the citizens of Liberty County deserve.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Morefield', with a long, sweeping flourish extending to the right.

Mark Morefield,
Judge, 75th Judicial District Court

MM/pt

cc: Honorable Chap B. Cain, III