

County Attorney J D Lambright's Response to His Opponent's Montgomery County Tea Party Vetting Interview

During my opponent's December 22, 2015 vetting interview with the Montgomery County Tea Party (MCTP), I was amazed at most of his comments and his responses to the MCTP questions. In almost every instance, his responses had no factual basis and, in general, were absolutely devoid of any truth whatsoever. His statements were so absolutely outlandish, that he must have just been making them up on the spot. Furthermore, his statements are quite easily refuted as you will see below.

Despite the fact that my opponent has unsuccessfully run for County Attorney twice, District Attorney twice, and Justice of the Peace Pct #3 twice, it is painfully obvious that he has virtually no concept of the powers, duties, responsibilities, and limitations that our state legislature imposes on County Attorneys by way of our Texas Constitution and the Texas Government Code.

There were so many inaccuracies during my opponent's nearly hour-long recorded interview, that I am providing this document to correct the record <u>on just some</u> of his assertions. I will be happy to provide any additional detail should MCTP (or anyone else) so request. For the benefit of anyone who wants to review the actual video, I have also provided the specific times on the video where the questions and his comments / answers were stated.

You can view his entire interview at https://www.usvotesmart.com/index.php/candidate/view/85/49.

Topic - Beauchamp's Opening Statement - (#1 Video at 1:50)

Quote from Beauchamp

"The current County Attorney, nice enough guy but he's playing a role. He's not a litigator. He's never tried a six figure lawsuit, never tried a seven figure lawsuit." "He has no record in Harris County, he's never been to Harris County, the only record he has is up here." He's never looked down the barrel of a trial gun going, should we try this or should we settle this."

Lambright's Response - the Truth:

My opponent's statements here are absolutely false. His research skills must be sorely lacking, as I have litigated cases in a number of counties in addition to Montgomery County. These counties include Harris, Walker, Fort Bend, Houston, Galveston, Grimes, Walker, Liberty, San Jacinto, and Robert Lee.

As just one example, in my 2nd year in private practice, I was retained to represent a father in a wrongful death case involving his 5 year old son. I filed that case in Harris County against 3 corporate defendants. I retained some of the best experts in their respective fields and went up against 3 different law firms. With trial set for a Monday morning, we spent the better part of the Friday before in a Harris County Court for a lengthy pre-trial hearing. When I walked into court that morning, the total offer from the defendants was to pay my client \$25,000. At approximately 3:30 that afternoon, my client agreed to settle the case for \$675,000. To use my opponent's words, this is but one of a number of instances when I looked down the barrel of a trial gun going, should we try this or should we settle this. My client wanted to take the \$675,000 to bring finality to his case.

In another Harris County case, a grandfather hired me to represent him in a case involving custody of his granddaughter. That case involved a 5 day jury trial, and my client was very pleased with the successful outcome.

As another example, I was retained to represent a family in Liberty County whose 6-month old triple-wide mobile home was heavily infected with mold because of continual leaks. I sued the manufacturer, the seller, and the installer. On the eve of trial, the defendants collectively agreed to completely repair my clients' home, to extinguish the debt on the home, and to pay them an additional \$75,000.

In another case, I was retained by the family of a 19 year old girl who was killed in a horrific car crash that resulted in the deaths of 5 individuals. The case had so many complexities that it involved litigation in 2 different counties (Houston and Montgomery) and in 4 different courts. To this day, the family still praises me for what I was able to do to get justice for their daughter / granddaughter.

These are but a very small sample of the many cases in which I have been retained and received successful outcomes for my clients.

Quote from Beauchamp

"He survived his practice on CPS work and Bentwater. Take those two out and he's down to 240 to my 1100."

Lambright's Response - the Truth:

His statement about the number of cases I've handled is completely untrue. For example, approximately 20% of my caseload while in private practice involved CPS cases in which I represented children, parents, and grandparents. Bentwater on Lake Conroe retained me as their local counsel for some 7 years to handle delinquent collections (not tax matters as he states) for their Property Owners Association and for their Yacht & Country Club. During that time, I collected over a half million dollars for them. Although my representation of Bentwater was very important, it consumed only 5% or so of my time. The remaining 3/4 of my practice involved representing clients in personal injury and wrongful death cases, family cases, general civil litigation, juvenile defense, and criminal defense (class B misdemeanors through 1st degree felonies).

Topic - Animal Seizure Case Involving 207 Horses - (Video at 7:22; 8:18)

 MCTP Question - Which cases/suits, whatever, that have occurred during his time as the County Attorney could he have handled better?

Beauchamp's Answer:

"Well, for one, the horse seizure case...he kind of deferred all the case and all the power over to Brett's Office. The County Attorney's Office was the ones that were supposed to do the civil seizure and filing the charges for the horse endangerment. They didn't do it, they let the DA'S office do it. If you're paid for it, and it's in your budget, you should be doing the job you're getting paid for. They're not doing it, they're fluffing their stuff off."

Lambright's Response - the Truth:

Once again, my opponent's answer is a complete lie. This case was so extensively publicized on TV, radio, the Conroe Courier, the Houston Chronicle, etc., that I have absolutely no idea why he would make such absurd statements. I and one of my litigation attorneys handled every aspect of the civil seizure case.

I personally spent 17 hours on the 40 acre site in Conroe over a 2 day period. I personally was in every pen along with representatives from the Houston SPCA and visually saw the condition of all 207 horses. By approximately 8:30 p.m. on the first night, we had sufficient evidence and sworn documentation from law enforcement on scene in order to make our presentation to the Judge to seek a seizure warrant. By about 9:15 p.m., the Judge had signed the warrant, and we had law enforcement serve the owners with the necessary paperwork. Over the next 35 days, the County Attorney's Office spent some 8 hours trying the case first in JP Court where such cases originate, the we tried it again when it was appealed to County Court at Law #2. We won both cases, and the owners were divested of complete ownership of all 207 horses. Additionally, we secured a monetary judgment against the owners for approximately \$485,000.

The now former owners have filed a writ in the United States Supreme Court, and my office is handling that aspect of the case as well. (The DA's office is handling the prosecution of the criminal cases, as I have no jurisdiction over adult criminal cases.)

<u>Topic - Beauchamp Says J D "hasn't done one thing to help our county"</u> (Video at 19:00)

Quote from Beauchamp

"J D changed the computer system, it probably needed to be changed, but since he's been in office he hasn't done one thing that has made the papers, or improved our county or done one thing to help us. He hasn't stood up to one person in the county yet. He's sending out memos about "you can't do this and you can't do that", it's not helping us."

Lambright's Response - the Truth:

I have absolutely no idea what my opponent is referring to when he say's "J D changed the computer system." Computers throughout the county are replaced by the county IT Department every 5 years or so, but I have no role in changing out a computer system.

It is equally amazing that he says that since JD has been in office "he hasn't done one thing that has made the papers, or improved our county or done one thing to help us. He hasn't stood up to one person in the county yet". There are a long list of examples that totally refute his assertion. Here are just a few.

- 1. For example, according to the Conroe Courier, the Top 5 story for all of 2015 was my finally achieving justice for the family of Robert Middleton. Despite the fact that the case had not been prosecuted for the past 15 years, I personally re-opened it and filed the petition charging the perpetrator with capital murder.
 - In 1998, then 8 year old Robert was doused with gasoline and set on fire on his birthday by a 13 year old neighbor boy to prevent him from revealing that the 13 year old had sexually assaulted him a few days earlier. The case had laid dormant for 15 years before I reopened it and filed capital murder charges against the perpetrator a few months after I took office. We were successful in getting the perpetrator, who was 28 by that time, certified to stand trial as an adult. Then working in close cooperation with the DA's office, we tried the case to a jury in Galveston, who then convicted him of capital murder and handed down the maximum allowable sentence of 40 years in prison. My office is now handling the appeal of that case on behalf of the DA's office.
- For yet another example, according to the Conroe Courier, the Top 6 story for all of 2015 was about the County Attorney's Office seizure of 207 starving and mistreated horses from a 40 acre location in Conroe. I have written about that case elsewhere in this document.
- 3. A third example was my office's handling of the \$50 billion federal lawsuit filed by TexCom against the county and our entire Commissioners Court. We won that case in federal court in Houston, and then we won again when the Plaintiff appealed the case to the Federal 5th Circuit in New Orleans. Instead of the county writing the Plaintiff a check for \$50 billion, the 5th Circuit upheld the lower court's ruling and awarded them nothing.
- 4. Another legal opinion by my office was widely disseminated in the media by our Commissioners Court. That was a very detailed opinion in which we clearly stated the sound basis on which we thought the November 2015 Road Bond election was not voidable. Following the release of our opinion, no one challenged the legality of the election.
- 5. Another high profile case we prosecuted was the case against a 16 year old juvenile whom we charged with 42 felony counts involving sexual abuse of his 6 year old cousin. As a direct result of our efforts, that perpetrator is now serving a 50 year sentence in TDCJ.

Topic - Open Records Requests - (Video at 19:38)

Quote from Beauchamp

"I'm still trying to figure out if we are in the top 10 list with the AG's Office with open records requests, because we have submitted some and were still waiting for some of the stuff we have asked for in the past."

Lambright's Response - the Truth:

The truth is, from January 1, 2013 through December 31, 2015 my office very promptly handled 2,305 open records requests. After conducting a thorough and complete search of our open records database, we could not find even a single request submitted under Beauchamp's name, despite his assertion that "we have submitted some and were still waiting for some of the stuff we have asked for in the past".

Quote from Beauchamp

"It's just as logger jammed as it was before, if not worse. One, why are we not disclosing information? I can understand if it's an active criminal investigation, but stuff people ask for, why not just give it to them? They contact the AG's Office "Can we turn this loose", when they know full well that they can. They are just bogging down the system."

Lambright's Response - the Truth:

The truth is, my office has radically streamlined our open records practices and procedures in order to assist our clients in getting the information to the requestor as quickly as possible. It should be noted that in virtually every case, the County Attorney's Office is not the holder of the requested records. Instead, such records are kept by the department who maintains them.

The Government Affairs section of the Montgomery County Attorney's Office handles a myriad of issues involving legal advice to elected officials, contract review, and open records requests for both the County Attorney's Office as well as other County agencies who receive an open records request and request legal advice. Our largest client is the Sheriff's Office, who consistently receives over 7,000 open records requests annually.

The staff of the Open Records Division of the Sheriff's Office, as the custodian of their records, is required to make an initial determination regarding whether information may be released, or if an Attorney General opinion is required. The most common requests that trigger Attorney General rulings are those that involve pending court cases, open investigations, juvenile records, and records involving investigations of child abuse. Recent judicial decisions have also made an individual's date of birth confidential, so each offense report requested with a date of birth listed in the responsive information must be sent to the Attorney General for an opinion unless the requestor agrees to redactions.

Each judicial decision and legislative change that modifies exceptions to the Public Information Act affects our responses. Every single request for information that comes into our office is scrutinized for whether information may be legally released, not only because we have an obligation to release public information, but because the public has a right to know about County information.

We have worked diligently to expedite the release of public information and requested documents. In 2013, our office handled 771 open records requests. Over 400 of those came from the Sheriff's Office within the last six months of the year. In early 2014, the Sheriff's Office noted the increase in requests and the time staff had to spend processing and submitting requests. We worked closely with them to update and streamline their request form. A change in the form allowed the Sheriff's Office to process and release more documents in a faster timeframe by allowing individuals to better specify and narrow the scope of requests. In fact, changing the form helped reduce the need to submit requests to the Attorney General's office, saving taxpayers not only the actual costs in processing and the high expense of postage, but also the loss of productivity due to inefficient use of personnel hours. The savings to taxpayers was reflected in the fact that only 555 requests were sent to us by the Sheriff's Office for all of 2014.

In 2015, we saw a spike in numbers as the Sheriff's Office sent us over 700 requests to submit to the Attorney General's Office. The increase is directly related to a judicial decision that made individual dates of birth confidential, and sending it to the Attorney General for an opinion remains mandatory. This decision significantly impacted the Sheriff's Office, and the number of referrals to our office for Attorney General Opinions, because almost every offense report has a date of birth listed on it.

In response, we have assisted the Sheriff's Office in modifying their website and form with instructions on how to agree to redact the date of birth from responsive information. This allows people to narrow the information requested, and saves time in the release of documents because people don't have to wait for an Attorney General opinion to say what everyone already knows — that dates of birth are confidential under the open records process. We have also worked hard to streamline our requests to the Attorney General, allowing their office to respond faster with a written opinion.

Since we have worked with them on modifying their open records website and forms, the Shift Supervisor for Records / Open Records / Warrants for the Sheriff's office reports that they are able to process responses faster and with more clarification on what information is being requested. This has resulted in significant savings for the taxpayers, and has benefitted the public by expediting the process.

Year	Requests Handled by County Attorney	# of Referrals From Sheriff's Office to County Attorney	# of Requests Received by Sheriff's Office
2013	771	June-December 2013	7,497
		417	
2014 (we modified forms for the Sheriff's Office)	689	555	7,259

2015	845	616	7,323
(Judicial decision restricting release of date of birth)		(through November 2015)	

<u>Topic - Worthless Checks (Hot Checks) - (Video at 20:16-20:59)</u>

Quote from Beauchamp

In referring to Lambright, Beauchamp stated "He's missing the boat on the Hot Checks. He's saying that is a no winner, were going to lose money on that. These people wrote these checks, they owe the money to the county, they owe the money to the merchant, and nobody's running them down to find out where they are or do anything like that."

Lambright's Response - the Truth:

The truth is, my office has collected almost \$700,000 in hot checks during my first 3 years in office. I have absolutely no idea why my opponent made such nonsensical statements. The truth is that, beginning my first month in office, I began to totally revamp the Hot Check section to radically improve its effectiveness and its efficiency and to pursue collection much more aggressively. When I asked the staff member who had overseen the Hot Check section for over 20 years to generate a number of reports so we could gauge just how well that section was performing, I was totally amazed at her response. She told me that during her entire tenure there, no one had ever requested any such reports and she didn't know if we had any capability to generate them. She eventually resigned saying that I had set the performance bar very high and that she could not meet my expectations.

One of my investigators (I have 2 Master Peace Officers on my staff) promptly locates the check writers, and we make sure we serve them with the proper notice. If the money is not then paid, we have a warrant issued for the person's arrest. That typically gets their attention very quickly. We immediately return these monies to the various merchants who were the victims. My office also collects a small administrative fee from the hot check writer for doing this. The amount of that fee is set by the State Legislature and goes back to the county.

Topic - County Attorney Budget - (Video at 31:00-32:25)

Quote from Beauchamp

"As I understand it, every time there has been a budget hearing, J D has gone and asked for more money and more stuff. There's gotta come a point when you work with what you have. He's coming and asking for things he doesn't need. You have to work with the tools they have given you, if you can't, then if you need something else, reason out why you need it. Figure out if there

is no other way to get it, then you go ask for it. That's not occurring up here. All it takes is working a little extra, a little harder or a little smarter than what they have been doing."

Lambright's Response - the Truth:

During the 3 years I have been in office, my opponent has never attended Commissioners Court (held every 2 weeks) and he has never attended the annual 3 day Budget Hearings. Otherwise, he would have known that his statements are simply not true or that they are gross misstatements.

- 1. Budget Hearings held in 2013 During a number of candidate forums for the 2012 elections, one of my opponents (Mrs. Rainey) repeatedly stated that the County Attorney's budget for supplies was so low that the office ran out of money to purchase paper, pens, etc. during the budget year. I requested a small increase for this line item to cover this shortfall. Also, because of increased workload in my Real Property Division, I requested that one of my attorneys work schedule be increased from her present 32 hours per week to 40 hours per week. Commissioner Noack asked the County Auditor to fund this increase out of his budget.
- 2. Budget Hearings held in 2014 I requested no increases of any kind to my budget.
- 3. Budget Hearings held in 2015 I requested salary increases for my 3 Division Chiefs, because their salaries were substantially below those of comparable positions in the DA's Office. Before submitting my request to Commissioners Court, I submitted it to our Director of Human Resources. Once she saw the lack of parity in the salaries, she readily agreed. Despite these increases, my Division Chiefs' salaries are still below their counterparts, but at least the differential is reduced.

Topic - Certificates of Obligation - (Video at 33:25)

MCTP Question - Do you think Certificates of Obligation have been abused?

Beauchamp's Answer:

"Yes, greatly so. I think they snookered us on money for bridges and roads that never got put in, they snookered us on schools that never got built, they snookered us on the Joe Corley Detention thing, when it first began they were doing Certificates of Obligation, the crime lab, the mental health facility. These are just the ones that hit the high tone at this point."

Lambright's Response - the Truth:

The truth is, Commissioners Court has not approved or issued a single Certificate of Obligation (CO) during the 3 years (January 1, 2013 - December 31, 2015) I have been in office. I have absolutely no idea why my opponent made such nonsensical statements. You may agree or disagree with the county's prior use of Certificates of Obligation; however, that is an issue that should be taken up with our Texas Legislature. The Legislature has defined the specific circumstances in which a county may issue Certificates of Obligation. That is not a matter left to the discretion of the County Attorney.

In order to answer the questions that were periodically being raised during Commissioners Court by various members of the public concerning Certificates of Obligation, in early 2014 I commissioned a study in my office to review each and every outstanding CO previously issued by the county - nine CO dating from 2003. That study was very comprehensive, and it included a review of the applicable Constitutional and statutory provisions, as well as all Attorney General opinions on the topic. In a 12 page County Attorney memo dated April 1, 2014, we presented a detailed analysis of Certificates of Obligation, Montgomery County's uses of Certificates of Obligation, and a proposal for limitations of uses of Certificates of Obligation. I provided MCTP an electronic copy of that memo at the same time I emailed my responses to the MCTP questionnaire. MCTP subsequently posted that document on its website along with my questionnaire.

My opponent stated that "they snookered us on schools that never got built". The truth is that it is widely known that neither the county (under the guidance of Commissioners Court) nor the County Attorney have any role whatsoever in building schools. School building falls under the purview of the various school districts.

Additionally, my opponent stated that "they snookered us on money for bridges and roads that never got put in". That statement is equally absurd as his previous one. Certificates of Obligation may only be used for the purposes described in the CO at the time of issuance. We found not a single instance where CO funds had been spent in violation of this requirement.

As I stated previously, you may agree or disagree with the county's prior use of Certificates of Obligation; however, that is an issue that should be taken up with our Texas Legislature - not the County Attorney's Office.

 MCTP Question - As the County Attorney, what could you do to stop Certificates of Obligation if it truly is not an emergency for that perspective?

Beauchamp's Answer:

"Nobody has ever warned the county commissioners because they are scared of them because they control their money. None has said you guys are out there on very thin ice; this is way beyond the gray area, if this ever gets looked at real hard, you could get indicted for this. No one is willing to roll the dice and tell those guys that.

The County Attorney has lost sight of that. His job is to provide council to the county, and its employees and the members, that's it. $(2^{nd} \text{ video segment at 1:44})$

Lambright's Response - the Truth:

Once again, my opponent's assertions are totally false. In this instance, the question itself is also flawed, as it presumes that Certificates of Obligation can only be used for emergencies. If one would review the applicable Constitutional and statutory provisions, as well as all relevant Attorney General opinions, you would readily see that such an assumption is simply not true. My office conducted just such a study in early 2014 as discussed above. I urge the reader to examine our 12 page memo dated April 1, 2014 on this very topic.

J D Lambright's Summary

It has been a great honor and privilege to serve the citizens of Montgomery County as their County Attorney. This county is one of the fastest growing in the U.S., and with that growth comes unique legal challenges. It is an exciting time in Montgomery County and I am proud to be a part of it.

During my campaign, three cornerstones of my platform were (1) to improve responsiveness and accessibility to our clients throughout the county government; (2) to significantly enhance our litigation skills and expertise; and, (3) to ensure that my staff has the required skills, tools, and training to provide prompt, expert legal advice and services.

I pledged that I would assemble a top-notch team of attorneys, investigators, and legal support staff to ensure that these much-needed changes were implemented in a timely and fiscally conservative manner. I was committed to doing what was right, in the right manner, and for the right reasons. Given the extremely positive feedback we regularly receive from our diverse group of clients, I think my team has exceeded their expectations. In my first year, the County Attorney's Office was awarded the honor of being named Department of the Year. Three of my staff have been recognized as Employees of the Month for the county, and one of my staff was named 2014 Employee of the Year from a group of over 2,200 county employees. In 2014, I was named Montgomery County Boss of the Year out of a field of 17 nominees. Then in 2015 I was again named Montgomery County Boss of the Year out of a field of approximately 12 nominees. Prior to my taking office, the County Attorney's Office had never won any of these awards.

The County Attorney's Office is actually more like five law firms under one roof - Government Affairs, Civil Litigation, Child Protective Services, Real Property, and Juvenile Prosecution. I place a tremendous emphasis on hiring the best and the brightest, and fostering an environment in which they can flourish and continue to advance their skills and expertise. My 30 person staff includes a double Board certified 30-year attorney and 2 Board Certified paralegals. That is especially remarkable when you consider that of the 1000's of legal assistants in Montgomery County, only 5 are Board Certified.

Clearly my proudest accomplishment during these past 3 years was finally achieving justice for the family of Robert Middleton. In 1998, then 8 year old Robert was doused with gasoline and set on fire on his birthday by a 13 year old neighbor boy to prevent him from revealing that the 13 year old had sexually assaulted him a few days earlier. The case had laid dormant for 15 years before I reopened it and filed capital murder charges against the perpetrator a few months after I took office. We were successful in getting the perpetrator, who was 28 by that time, certified to stand trial as an adult. Then working in close cooperation with the DA's office, we tried the case to a jury in Galveston, who then convicted him of capital murder and handed down the maximum allowable sentence of 40 years in prison. My office is now handling the appeal of that case on behalf of the DA's office.

I want to continue raising the performance bar in my office in order to provide the best possible legal advice and counsel to our clients. I look forward to serving the citizens of our great county for a second term.

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