

Attorneys recall Dupuy's reign, fall

By CHRIS PASCENKO | Posted: Sunday, September 22, 2013 12:30 am

GALVESTON — Three attorneys instrumental in helping authorities prosecute a county court judge recalled the hardships that ultimately led to the judge's conviction and resignation from the bench.

Lori Laird, Greg Enos and Greg Hughes were among a group of attorneys that brought attention to the unruly reign of Judge Christopher Dupuy over Galveston County Court of Law No. 3.

Dupuy, who has been jailed since Aug. 28 on a contempt-of-court charge, is scheduled to be released today from the Galveston County Jail. He declined a jailhouse interview request from The Daily News.

Dupuy's reign ended in May with his arrest on what would amount to 11 felony and misdemeanor indictments that included charges of official oppression, abuse of official capacity and aggravated perjury.

On Thursday, Dupuy, 42, pleaded guilty to a pair of misdemeanor charges — abuse of official capacity and perjury. He also submitted a letter to County Judge Mark Henry, stating he resigned effective at 5 p.m. Friday.

Henry said he would appoint temporary Judge Kerri Foley to permanently replace Dupuy.

Dupuy gazed mostly at the ground Thursday when admitting his guilt to Judge Ryan Patrick, who was appointed to hear Dupuy's criminal charges.

Criminal complaint

Galveston County Criminal District Attorney Jack Roady appointed state Assistant Attorney General David Glickler to prosecute Dupuy, who pleaded guilty to charges based on Enos' complaint to Roady.

Enos' complaint stated Dupuy was possibly using equipment in his office to help his former lover in a custody case.

Dupuy had tried to fine Enos \$26,000 after Enos attempted to have Dupuy recused from hearing a family law case.

"It was more sad than satisfying to see Dupuy in court in a jail uniform and sandals when just a few months ago he was a judge on the bench wearing a robe," Enos said. "It's fitting, I guess, that this ended with my criminal charge that started it all."

Dupuy's guilty plea to the perjury charge was also related to Enos' complaint. Dupuy testified in

a custody hearing that he first learned from Glickler in May of Enos' complaint. Dupuy, however, told The Daily News in a Jan. 16 email that there was no need to respond to ridiculous, baseless allegations made by Enos, a partisan Democrat, to a socialist newspaper.

Only a handful of attorneys stood up to Dupuy, about seven out of more than 600 attorneys who practice in the county, Enos said. Laird and Hughes were among them.

In Dupuy's statement to the court, he admitted misusing government property for personal benefit, making a false statement on the witness stand and also subjecting Laird to mistreatment that he knew was unlawful while acting under the color of his office as judge.

'Mistreatment was an understatement'

In a February order, Dupuy held Laird in contempt and recommended an administrative judge sentence her to 110 days in jail.

"'Mistreatment' was an understatement," Laird said. "It was heinous."

After Dupuy's order, Laird had to represent two clients in his courtroom.

"It was almost impossible for me to do with the miscarriage of justice," Laird said. "He filed false bar complaints, criminal complaints against me, and I almost had to close the door on my law firm to expend time defending the amount of paper he was generating every day."

It was unbelievable, the amount of damage he inflicted on so many people, Laird said.

"He stripped me of all my due process rights and didn't let me confront my accuser," Laird said. "It was a travesty of justice."

Tracking Dupuy

Hughes first began tracking Dupuy when Dupuy called him in August 2011, threatening to remember Hughes when he represented clients in Dupuy's court. Hughes successfully had Dupuy recused from hearing a court case.

"When he threatened me, that's when I started keeping track of him and documenting what he was doing," Hughes said. "It took almost two years for that to come to fruition."

Hughes, on behalf of the state attorney general's office, filed a lawsuit in May, seeking to have Dupuy permanently removed from the bench. Dupuy's resignation, however, rendered the lawsuit unnecessary.

Despite his guilty pleas, Dupuy still has his law license, which remains suspended for failure to pay dues, taxes or fees. The State Bar of Texas did nothing to address complaints against Dupuy, Hughes said.

"The public is protected from him being a judge now," Hughes said. "I hope the state bar acts to

protect the rest of the public by taking away his law license.”

A \$500,000 fraud and malpractice lawsuit against Dupuy is set for trial in November.

Judge rejects motion to toss BP attorney from emissions case

By T.J. AULDS | Posted: Friday, September 20, 2013 2:39 am

GALVESTON — District Court Judge Lonnie Cox dismissed a motion from the attorney leading a \$10 billion lawsuit against BP that BP's lead attorney be dropped from the case.

In a motion filed with the 56th District Court Thursday afternoon, plaintiff's attorney Tony Buzbee accused BP attorney Damond Mace of using false testimony in order to impeach two of Buzbee's witnesses at the trial on Thursday.

Mace, who is based out of Cleveland and is defending BP in the Texas case as pro hac vice legal counsel, told the judge he made a mistake but did not deliberately use false testimony during his cross examination of the witnesses.

Pro hac vice is a legal term referring to a lawyer who has not been licensed to practice in the state, but is allowed to participate in a particular case under the request of a licensed Texas attorney.

A court must grant the out-of-state attorney the permission to work on a case in Texas.

According to court transcripts, Mace was cross-examining La Marque police officer Harvey Walton when the first infraction happened.

Walton testified that he detected a "different" type of chemical odor in the air over a two-week period in the spring of 2010. Walton also has a lawsuit pending against BP, court records show.

Mace attempted to discredit Walton's testimony by pointing out that Buzbee was the officer's attorney in lawsuits against BP.

Using a transcript from testimony given in a separate federal case against BP, Mace questioned Walton — who testified that he also used to work a refinery operator — about what he claimed the officer said during the federal trial.

Mace argued that in a previous trial Walton agreed that Buzbee could get him to say anything the lawyer wanted including that the sun was not shining even when it was shining.

Even after Buzbee objected, Judge Cox allowed the questioning to continue after Mace told the court he was trying to show that based on the other case's testimony.

Mace even got Walton to say on the stand he made those statements even though at first the officer denied ever making that statement.

Turns out that testimony was not Walton's at all. During redirect, Buzbee pulled the transcript and showed that the testimony Mace claimed to be from Walton was instead from someone else.

He also showed how Mace had folded the transcript and by doing so covered up the name of the person who actually gave that earlier testimony.

During his re-direct of Walton, Buzbee called Mace dishonest.

Once it was clear Mace had used someone else's testimony, the BP attorney apologized to Walton and blamed the mistake on an associate who had given him the wrong transcript.

According to court records, Mace apologized to the court as well for the transgression.

Buzbee's motion alleged Mace tried to mislead the court again during cross-examination of Thomas Box, a former NASA logistics manager who at the time of the emissions event was working for BP contractor Encompass.

Box was part of the contractor's work on leak detection.

After Box testified about using a piece of leak detection equipment that caught a release of chemicals from BP's ultracracker flare Mace tried to claim that BP records indicated that Box was not even at the refinery.

Reading from a summary created by BP's legal team, Mace claimed that refinery records did not show Box had "badged in" to the refinery on the day he claimed to detect the emissions.

Employees and contractors use electronic badges to gain access to units within the refinery. Computers track when workers badge in or out of the facility.

During a terse meeting with the judge with the jury out of the courtroom, Buzbee presented records that proved that Box badged in that day.

The use of the summary by Mace drew Cox's ire.

"I'm just going to tell you this, damn it. This is getting kind of sloppy here," Cox told Mace. "Summaries are not impeachment material, and I haven't seen the document yet. I've got to tell you that you can call people a lot of names in a court, but liar ain't one of them, unless you really, really, really have got the goods."

When the jury returned Cox instructed the panel to ignore the exchange between Mace and Box about whether or not the contractor had badged in at the refinery.

Cox had already indicated Thursday he wasn't willing to consider removing Mace's pro hac vice status. He followed up by dismissing Buzbee's motion Friday morning.

The trial, now ending its second week, resumed with Buzbee presenting more testimony and evidence about problems with the flare that is at the center of the emissions case.