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April 12, 2011

Chad Childers
Administrative Attorney
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, TX 78711-2487

Re: A0021113619 Dan Gattis, Lisa Birkman, Cynthia Long, Valerie Covey, Ron Morrison-Jana L. Hunsicker

Dear Mr. Childers,

On behalf of the Williamson County Commissioners Court, I am writing this letter regarding the response to the grievance filed by County Attorney Jana Duty dated March 24, 2011.

In general, we deny the allegations of misconduct made by Ms. Duty against members of the commissioner's court in the response documents. Her response contains multiple misstatements, fabrications and omissions.

We also would like to direct your attention to the attached article from the Williamson County Sun, dated April 3, 2011, in which Ms. Duty released her response documents to the newspaper and then gave an interview to the reporter in which she again makes false allegations. At this time, Ms. Duty's office continues to represent the county and county officials in various matters including several lawsuits, such as the Heckman case, which is cited in our original complaint.

We believe we have provided you with sufficient documentation in our original complaint and the amendments filed subsequently to warrant a full investigation of the case and respectfully request that you zealously investigate our complaint. Furthermore, we ask that you take any and all appropriate actions based upon the findings in the case.

I and the other members of the commissioner's court are willing to discuss this matter at length with you to provide more details, if needed. Please feel free to contact us.

Sincerely,

Dan A. Gattis
Williamson County Judge

Duty blasts WilCo five in response to the Bar

County attorney says grievance unmerited

By ANDREW McLEMORE

For Williamson County Attorney Jana Duty, a good offense is a good defense.

To the 72-page grievance the WilCo Commissioners Court filed

against her with the State Bar of Texas, Ms. Duty has responded with a 200-

page protest that accuses

elects of officials of misconduct as often as

it defends herself from similar accusations.

If Ms. Duty had not filed the response with the State Bar and

Turn to GRIEVANCE, Page 10A



Jana Duty
County Attorney

GRIEVANCE

Duty says she did nothing wrong

Continued from Page 1A

county, investigators would assume she was guilty of the 23 ethics codes violations listed in the court's grievance, which could result in her permanent removal from office.

Ms. Duty's response not only denies every accusation against her, but repeats many she has made against court members over the last seven months in greater detail and with more court documents, newspaper articles, e-mails and billings to serve as evidence.

She writes that the grievance is the court's "latest source for political retaliation" for her actions over the last several years, which include lawsuits against court members and consistent challenges to how the court hires outside attorneys and conducts its business with "secretiveness" and "corruption."

"The members of this court use threats and intimidation to get other officials, county employees and county contractors to bend to their will," Ms. Duty wrote. "Fortunately for the people of Williamson County, I refuse to do so. But the result of this has been, among other things, the filing of this lengthy complaint."

Court members could not be reached for comment before press time, but have publicly

questioned Ms. Duty's conduct numerous times in recent months.

The court's complaint was finalized after unanimous court approval January 25 and released in early March.

It requests that the State Bar temporarily suspend Ms. Duty from practicing law until the organization has investigated and resolved the accusations, which include violations of professional conduct that include attorney-client confidentiality, competent representation, conflict of interest and truthfulness with others.

Ms. Duty wrote that some of the accusations — that she made inflammatory statements and distributed written statements that could be "used to Williamson County's detriment" — were too vague to warrant a lengthy response.

However, in responding to the court's complaint that she threatened retaliation through lawsuits against court members that disagreed with her, Ms. Duty wrote:

"I have been burdened with having to pursue litigation (or threaten litigation) against the members of the court on numerous occasions due to their complete lack of understanding about the limitations of their authority and because of their repeated refusal to follow the law."

She also reiterated her belief in the lawsuit she filed in December against County Judge Dan Gattis, asking that he be removed from office for accusations that he illegally

hired attorneys

A judge dismissed that suit in January

If the State Bar investigators find that Ms. Duty is guilty of the accusations, she could face a range of punishment from public reprimand to temporary suspension of her license to permanent removal from office. Sections of the response, obtained from Ms. Duty's office through an open records request, have been redacted to prevent further claims that she revealed attorney-client privileged information, she said.

The *Sun* also sent the commissioners court an open records request for Ms. Duty's response, which she sent Friday, March 25.

The county declined to provide the response until the court's legal adviser finishes reviewing it for attorney-client privileged information, spokeswoman Connie Watson said.

Ms. Duty criticized the county for releasing their grievance in its entirety and not her response.

"This is an obvious attempt to hide behind the attorney-client privilege in order to prevent the public from having all of the information which clearly shows that their complaint is purely political retaliation and baseless," she said in an e-mail.

Ms. Watson said the grievance didn't reveal any privileged information because most of it had already been made public.

county@wilcosun.com

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SUPPLEMENTAL GRIEVANCE INFORMATION

RULE 1.01 - COMPETENT & DILIGENT REPRESENTATION

- (a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's legal competence...
- (b) In representing a client, a lawyer shall not:
 - (...)
 - (2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.

Ms. Duty has consistently failed to "act with competence, commitment and dedication to the interest of the client and with zeal in advocacy upon the client's behalf" as provided in Texas Disciplinary Rules of Professional Conduct Rule 1.01 cmt. 6. Ms. Duty has consistently demonstrated that she has neither a moral nor professional obligation to pursue matters on behalf of her clients with reasonable diligence as the guidelines in Comment 6 to the Texas Disciplinary Rules of Professional Conduct Rule provide. This is further evidenced by the Grievance filing of February 10, 2011 which outlines four specific examples of why the elected officials of Williamson County have no confidence that Ms. Duty can fulfill her obligations under Rule 1.01. The grievance demonstrates that Ms. Duty: (1.) threatens her clients when they seek other counsel (see: Attachment 2 to the February 10, 2011 Grievance); (2.) files complaints with law enforcement authorities against her clients that are found not to merit further investigation (Duty Ex. 23); (3.) incorrectly alleges misconduct and seeks prosecution of her clients for hiring counsel that will diligently represent their interests (See Duty Ex. 26); and (4.) releases information that is statutorily confidential in order to achieve her own purposes. (See Duty Ex. 26)

RULE 1.03 - COMMUNICATION

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

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Ms. Duty has asked for clarification of the following matters in the February 10, 2011 Grievance filing:

1. "Ms. Duty has sent written communication that may be used to Williamson County's detriment by opposing counsel in a certain legal matter without the consent of the Williamson County Commissioners Court."

This misconduct refers to Ms. Duty's Letter to Kimberly Lee and Sharon McGuyer concerning their allegations of sexual harassment and retaliation arising out of the conduct of County Court at Law Judge Don Higginbotham. In this letter (Attachment 14 to this letter). Ms. Duty states, among other things:

"I am in the process of talking to my employees; those who have either witnessed or been subjected to the harassment that you two have been subjected to. So far, three female employees are willing to swear out affidavits detailing what they have witnessed and to what they themselves have been subjected."

Kimberly Lee and Sharon McGuyer subsequently sued Williamson County in federal court asserting claims of sexual harassment and retaliation arising out of the conduct of County Court at Law Judge Don Higginbotham (Civil Action No. 1:10-cv-905). During the course of the Lee/McGuyer litigation, Ms. Duty prepared a statement that directly contradicted her earlier letter to the Plaintiff where she stated:

"Contrary to Ms. McGuyer's affidavit, I did not receive any complaints from any prosecutors or staff, it was only rumored that JH was saying inappropriate things, so I pursued employees to inquire, rather than the other way around." (Attachment 15 to this letter).

Rather than defending the allegations against the County and Judge Higginbotham, Ms. Duty appeared to encourage the prosecution of the lawsuit. Many of the statements made by Ms. Duty in her communications with Lee and McGuyer prior to the lawsuit were inaccurate and untrue and were a reflection of her personal animosity to Judge Higginbotham and other County officials. She did not act at the direction of her clients. The contradictions between the letter to Lee/McGuyer and her later statement are puzzling and made the defense of the lawsuit difficult. Many of Ms. Duty's actions in relation to the Lee/ McGuyer litigation were contrary to the best interests of her clients and recently were a large factor that mitigated in favor of the settlement of this case for a substantial sum.

RULE 1.05 - CONFIDENTIALITY OF INFORMATION

- (b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e) and (f), a lawyer shall not knowingly:

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- (1) Reveal confidential information of a client or a former client to:**
 - (...)**
 - (ii) anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm.**
- (2) Use confidential information of a client to the disadvantage of the client unless the client consents after consultation.**
 - (...)**
- (4) Use privileged information of a client for the advantage of the lawyer or of a third person, unless the client consents after consultation.**

In her response, Ms. Duty repeatedly admitted facts that demonstrate she violated our right to confidentiality.

In a newspaper article dated October 10, 2010 (see Attachment 6 to the February 10, 2011 Grievance) the following was reported:

In an executive session with the court four months ago, Ms. Duty said one of the attorneys from her office was giving legal advice that was met with questionable conduct by a female commissioner: "He said specifically, 'to do it this way is not legal and she said find a way to make it legal,'" said Ms. Duty, who would not provide further details for the story.

Although the Commissioners Court disputes Ms. Duty's version of what occurred in Executive Session, the newspaper articles attached to the February 10, 2011 Grievance make it clear that Ms. Duty revealed statements allegedly made by her client which occurred in Executive Session, which are confidential both by law under the Open Meeting Law (Tex. Gov't Code Ann. Sec. 551.146) and pursuant to the attorney client privilege.

Ms. Duty also revealed confidential information in the removal petition she filed against County Judge Dan Gattis based on allegations that he hired outside counsel. She did not have the permission of her client to do so. On pages 6 and 8 of the removal petition Ms. Duty again states matters that were discussed confidentially in Executive Session. Ms. Duty justifies the release of confidential information by stating she felt it was "legally necessary to explain the illegal actions of County Judge Dan Gattis." Unfortunately for Ms. Duty, no investigatory agency, no prosecutor and no Court to which she has made her allegations have made any finding of illegality or criminal acts. Further, the alleged misconduct of Judge Gattis, which again no investigatory agency, no prosecutor and no Court have confirmed was misconduct, could have been addressed in a manner without revealing the confidential information in a publicly filed document. Ms. Duty's intent by releasing this confidential information to the public was to embarrass Judge Gattis and intimidate her political foes.

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Further, Ms. Duty also attached a confidential attorney client memorandum to her Removal Petition. (See Attachment 9 to the February 10, 2011 Grievance) Ms. Duty claims this was justified because the memorandum was not an attorney client privileged communication. However, even a cursory reading of the memorandum shows it to be a privileged communication wherein she discusses the law and facts with the Commissioners Court. Again, after repeated efforts, Ms. Duty has failed to get one entity to find illegality despite her repeated violations of her ethical duties of confidentiality. Ms. Duty opines in her response that the lack of criminal prosecution of Judge Gattis is due to Judge Gattis' political connections. Ms. Duty's conjecture is both expedient and factually incorrect. The reason no entity has found any wrongdoing by Judge Gattis is because there is none.

Ms. Duty also attempts to justify the release of confidential information by reliance upon Texas Disciplinary Rules of Professional Conduct Rule 1.05 (c)(8). Ms. Duty claims it was permissible to release confidential attorney client information due to the fact it was necessary "to rectify the consequences of Judge Gattis' criminal acts." (See Duty Response page 11.) However, Ms. Duty fails to cite the entirety of the Rule, which states, "A lawyer may reveal confidential information: To the extent revelation reasonably appears necessary to rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services had been used." For this rule to apply, Judge Gattis' alleged criminal act must have been committed in connection with the legal services of Ms. Duty. The crux of the alleged criminal act is that Judge Gattis hired outside counsel without proper Commissioner's Court approval. Again, there is no truth to the allegations and more importantly here there is no allegation that Judge Gattis' conduct was committed in connection with Ms. Duty's legal services. Therefore, any alleged criminal conduct by Judge Gattis was not committed in connection with Ms. Duty's legal services as would be required under Rule 1.05(c)(8) and Ms. Duty cannot rely on this Rule for the release of confidential information.

RULE 1.06 - CONFLICT OF INTEREST: GENERAL RULE

- (a) A lawyer shall not represent opposing parties to the same litigation.**
- (b) In other situations and except to the extent permitted by paragraph (c), a lawyer shall not represent a person if the representation of that person:**
 - (...)**
 - (2) reasonably appears to be or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests.**

In our February 10, 2011 Grievance two of our complaints were: 1) Ms. Duty has sued the members of the Williamson County Commissioners Court while at the same time asserting

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that she was their attorney and 4) Ms. Duty was/is investigating "one or more" members of the Williamson County Commissioners Court while still maintaining she represents such members.

Ms. Duty's response to the above is that she is allowed to have conflicting interest due to the statutory creation of her duties and case law permitting her to act in conflicting areas. Her position is incorrect. The case law cited by Ms. Duty *Public Utility Commission of Texas v. Cofer*, 754 S.W.2d 121, does not support her position.

The *Cofer* case dealt with a similar issue. The Texas Attorney General was attempting to represent two state agencies in an appellate proceeding when the state agencies were on opposing sides. The Supreme Court did conclude the Attorney General could represent both state agencies; however the Court specifically stated that it was not ruling upon the question of whether the dual representation creates a conflict of interest. Therefore, the *Cofer* case is not controlling on whether Ms. Duty had an impermissible conflict of interest in attempting to represent the County Commissioners while at the same time suing, investigating, and prosecuting them.

It is worth noting the manner in which the Attorney General attempted to avoid the conflict of interest. First, the Attorney General completely removed himself from the litigation. The Attorney General instructed his staff lawyers not to consult with him on matters involving the case. Also, each state agency was appointed a lawyer to act independently as counsel for their respective interests. The Court also noted that just because the Attorney General is statutorily authorized to represent both entities, it must represent both clients in the same diligent and faithful manner, and the state attorneys representing opposing sides must be effectively screened off from one another.

Ms. Duty made no attempt to remove herself from the prosecution of Judge Gattis. In fact, Ms. Duty was the lead attorney. Ms. Duty should have assigned the prosecution to a subordinate lawyer(s) in her office or appointed a special prosecutor. It is noteworthy, that Ms. Duty filed a motion to appoint a special prosecutor in the Gattis removal petition. However, the motion was filed after Ms. Duty filed the original petition of removal and released the confidential information. Further, the motion was filed not because of a conflict of interest, but only because Ms. Duty anticipated testifying against Judge Gattis. (See Attachment 16 to this letter). Obviously, Ms. Duty believed it was proper to have a special prosecutor. Ms. Duty could and should have appointed the special prosecutor prior to filing the case.

The litigation against the Commissioners Court is equally bad. In that matter, Ms. Duty was in fact the Plaintiff. Therefore, Ms. Duty's own interests were at stake. It is hard to imagine how Ms. Duty's representation of the County Commissioners would not be limited due to the obvious conflict she created by suing them.

In short, even though Ms. Duty is statutorily authorized to represent the County and to prosecute members of the Commissioners Court, it does not alleviate her professional ethical obligations. The *Cofer* case specifically illustrated this point.

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RULE 4.02 - COMMUNICATION WITH ONE REPRESENTED BY COUNSEL

- (a) In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

Ms. Duty asked for clarification of the following Grievance:

1. "Ms. Duty communicated directly with adversarial parties about their claims against Williamson County. Ms. Duty's actions, statements and comments were unknown and not authorized by her client and opposing counsel is attempting to use them against Williamson County in current litigation."

This grievance relates again to the Lee/McGuyer suit against Williamson County in federal court asserting claims of sexual harassment and retaliation arising out of the conduct of County Court at Law Judge Don Higginbotham (Civil Action No. 1:10-cv-905). This lawsuit was pending at the time the February 10, 2011 grievance was filed but has since been settled. As Ms. Duty has admitted, she repeatedly communicated with Plaintiffs Lee and McGuyer. Her communications were to the detriment of Williamson County and once the Plaintiffs were represented by counsel, unethical as well. Since the filing of this Grievance, this matter has been settled in large part because of the adverse facts created by Ms. Duty.

We remain very concerned about the competence of our counsel and her disregard of her duties of confidentiality and diligent representation. Please let us know if you need further information.

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Respectfully Submitted By:

Dan Gattis, County Judge
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Georgetown, TX 78628
(512) 943-1550

Lisa Birkman,
County Commissioner Precinct I
1801 E. Old Settlers Blvd., Suite 110
Round Rock, TX 78664
(512) 244-8610

Cynthia Long,
County Commissioner Precinct 2
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(512) 260-4280

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County Commissioner Precinct 3
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(512) 943-3370

Ron Morrison,
County Commissioner Precinct 4
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Hutto, TX 78634
(512) 846-1190

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Attachment 14

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JANA DUTY

WILLIAMSON COUNTY ATTORNEY

Michael Cox, Juvenile Chief

Dee Hobbs, Courts Chief

Hank Prejean, Civil Chief

Michael Cox

Brandon K. Dakroob

Kyle Evans

Alice Emerson

Melissa Hervey

Laura Gonzales

Doyle "Dee" Hobbs, Jr.

Kevin Stryker

Brent Webster

Tina Graves

Hal Hawes

Brett Gilmore

Jackie Borchertding

Dale A. Rye, Of Counsel

Williamson County Justice Center • 405 MLK #7 • Georgetown, Texas 78626 • Ph: (512) 943-1111 • Fax: (512) 943-1431

Dear Kim and Sharon,

I was going to e-mail you guys this morning, but unfortunately our e-mail system is down, so I'm writing instead.

As you both know, my office was brought into this process, whereby you two made the complaint against Judge Higginbotham, a week or two after your initial complaint. Now that I have "interjected" my office into this process, I am asking that you give me an opportunity to right the situation before you seek outside counsel and begin what will truly amount to a long and painful process.

I'm asking for one week. I am in the process of talking to my employees; those who have either witnessed or been subjected to the harassment that you two have been subjected to. So far, three female employees are willing to swear out affidavits detailing what they have witnessed and to what they themselves have been subjected.

Here is my plan: I have you two and several of my employees (those that I have been told have been subjected to the conduct as well) all fill out the affidavits required for filing a formal complaint with the Texas Commission on Judicial Conduct. I am asking that everyone have these affidavits completed by Wednesday afternoon. So far, the employees from my office who have expressed a willingness to participate are Jackie, Jo, and Vicki. I have not talked to Melissa Hervey, Kristin, Sarah, Kim (who used to work here) or Courtney from probation. I will talk to them by the end of the day.

Williamson County Justice Center, Second Floor, 405 Martin Luther King Box 7, Georgetown, Texas 78626

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Williamson County Attorney

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So, step one, I will gather the completed affidavits by Wed at 5:00 (I will have the forms as soon as the web is up again) and I will drop them off to both of you when it is a convenient time. You can also pull the form up on the website if you would rather type your statement than hand-write it. Step two; I will gather all the affidavits by Wed, and take the affidavits, with a prepared cover letter, to Mike Davis. Step three, Mike Davis will be asked to communicate to Higginbotham that Higginbotham has till Friday to announce a date certain (within two weeks) that he will retire. Step four, if I do not hear an answer from Mike by Friday at 5:00, then I will hand carry the complaints to the Texas Commission on Judicial Conduct on Monday morning and I will release them to the press (if that is what you want me to do).

The web is down right now, or I would have already printed the form for you guys and brought it over with this letter. I'll have it to you by this afternoon. Please give me an opportunity to handle this the way it should have been handled from the beginning (if it were not for the "meddling"). Give me one week.

Let me know if this is acceptable.

Sincerely Yours,

Jana

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Attachment 15

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RE: STATEMENT OF JANA DUTY, COUNTY ATTORNEY FOR WILLIAMSON COUNTY

(For purposes of Williamson County's Position Statement in Response to complaints of Sharon McGuyer and Kimberly Lee to the Texas Workforce Commission)

DATE: August 31, 2010

In early January, 2010, I learned that Sharon McGuyer and Kimberly Lee (the "Complainants") were complaining to the Human Resources Director of Judge Higginbotham's ("JH's") conduct towards them or in their presence and that they were making allegations of sexual harassment.

Once I became aware of the complaints being made by the Complainants, I asked Hank Prejean (Assistant County Attorney/ Civil Chief) to get involved. Mr. Prejean met with Lisa Zirkle (the HR Director) and the two complainants on January 6, 2010 after receiving a phone call from Lisa Zirkle informing him of the meeting she had scheduled that day. Mr. Prejean later briefed me regarding that meeting. He mentioned, among other matters, that he had informed the Complainants that we would assist in filing a complaint for them with the Texas Commission on Judicial Conduct if JH's conduct did not change towards them and it became necessary to do so.

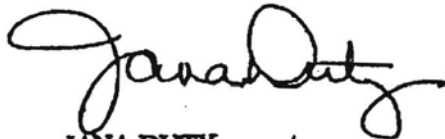
On January 8, 2010, I, Jana Duty, Hank Prejean, Williamson County Human Resources (HR) Director Lisa Zirkle and Steve Mierl (outside counsel hired by Lisa Zirkle) met at the HR Offices and discussed possible options on resolving the complaints of Sharon McGuyer and Kimberly Lee. We subsequently met with McGuyer and Lee on that same date. At this meeting on January 8th, the Complainants mentioned that they had contacted an attorney (Craig Deats) and were contemplating retaining him. I mentioned that I thought Mr. Deats was a very good lawyer. I told the Complainants that we (me and Mr. Prejean) would do all we could to rectify the situation. We said we would work to move them out of their offices for 6-8 weeks until JH retired. I also told the Complainants that they had the option of filing a complaint with the Texas Commission on Judicial Ethics and I explained that the Commission had the authority to reprimand JH or even remove him from the bench if the Commission felt that his behavior was egregious enough. Both I and Mr. Prejean (Mr. Prejean at his earlier meeting with them on January 6, 2010) indicated to them that we would assist them in filing such a complaint with the Texas Commission on Judicial Ethics if JH did not reform and modify his conduct towards them.

Contrary to Ms. McGuyer's affidavit, I did not receive any complaints from any prosecutors or staff, it was only rumored that JH was saying inappropriate things, so I pursued the employees to inquire, rather than the other way around. I had heard rumors in and around July or August, 2008 that JH, had made inappropriate comments either to or about one or more of my employees. None of my employees had complained to me about JH. I called each of my employees into my office one by one to ask if they needed or wanted to be moved out of JH's court or if they wanted to file a complaint with the Texas Commission on Judicial Ethics (I told them I would support any decision). They all declined. I did write a letter to all of the judges and in that letter I mentioned that JH (it was rumored) was saying inappropriate things to my staff. I threatened that if it didn't stop, I would do something about it (and potentially go to the press). I then called those staff members into my office and spoke to them individually. After

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speaking to each person that was rumored to have been subjected to JH's comments, I asked if any of them wanted to be moved out of his court or if they wanted to file a complaint and each person said "no", followed by, "he's harmless", or "I don't take it seriously" or "he's only kidding and it doesn't offend me" or "I don't want to pursue a complaint against a sitting judge". There was not one employee who wished to be reassigned or wished to pursue a complaint. After sending the letter to the judges, I did not hear of any further rumors of inappropriate remarks to my employees and I considered the matter to be resolved.

In addition, it is not true that all derogatory comments made by JH are directed only at women, as alleged by the Complainants. I have personally heard JH call various male prosecutors in my office derogatory names or make arguably inappropriate jokes regarding them. Examples include calling one prosecutor a "metro-sexual" and "a beautiful man", another former prosecutor, "Jewboy", another former prosecutor "queer", "gay" and "a homosexual", another former prosecutor, "Shrek" and "No Neck"; and he referred to another former prosecutor as a "fence rider who could fall on either side of a-hole at any time". He would ask a certain local defense attorney how things were in "munchkin land" because of his short stature. He has made comments to a prosecutor employed in the County Attorney's Office, who is of middle-eastern descent, that he is going to call INS or call the FBI and have him added to the terrorist watch list. He has also made fun of and jokes about other male judges.



JANA DUTY

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Attachment 16

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Cause No.: 10-1428-C26

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
Ex rel. JANA DUTY,	§	
COUNTY ATTORNEY OF	§	
WILLIAMSON COUNTY, TEXAS,	§	
RELATOR	§	
V.	§	WILLIAMSON COUNTY, TEXAS
	§	
DAN A. GATTIS, COUNTY	§	
JUDGE OF WILLIAMSON COUNTY,	§	
TEXAS, RESPONDENT	§	26 th DISTRICT COURT

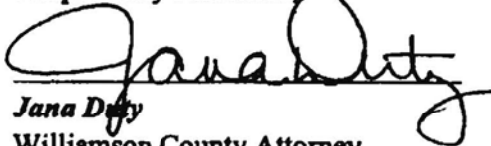
MOTION TO APPOINT ATTORNEY PRO TEM

Jana Duty, County Attorney for Williamson County, Texas moves the Court to appoint Jason Nassour as Attorney Pro Tem, aka "Special Prosecutor" for the sole purpose of assisting the County Attorney to prosecute this cause. County Attorney Duty may be required to testify as a witness in this cause, therefore requiring special assistance. Attorney Jason Nassour has expert knowledge in this area of law and will be needed to assist in prosecuting this cause. That Justice may be fully served, and out of an abundance of caution, any suggestion of unfairness should be removed by allowing the County Attorney and her office to be assisted in this matter.

Movant thus respectfully moves the Court to appoint Jason Nassour as Attorney Pro Tem or Special Prosecutor that Justice may be better served.

NOW THEREFORE, for good cause shown above, Jana Duty respectfully prays the Court to authorize the appointment of Attorney Jason Nassour as the Special Prosecutor.

Respectfully submitted,



Jana Duty
Williamson County Attorney
SBN: 24000244
405 Martin Luther King #7
Georgetown, Texas 78626
Telephone: 512.943.1111
Facsimile: 512.943.1120

FILED
at 10:20 o'clock A M

JAN - 4 2011


District Clerk, Williamson Co., TX.