

CAUSE NO. 141-237105-09

THE EPISCOPAL CHURCH, et al.

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IN THE DISTRICT COURT OF

v.

TARRANT COUNTY, TEXAS

FRANKLIN SALAZAR, et al.,

141ST JUDICIAL DISTRICT

**DEFENDANTS REPLY ON DISCLOSURE OF CONFLICTS**

TO THE HONORABLE JUDGE OF SAID COURT:

1. The motion is a request, not a demand. Defendants concede they cannot "interrogate" a sitting judge. That is why the rules call for a judge to disclose potential conflicts on the record. Tex. R. Civ. P. 18b(5). A judge would be disqualified only if he or she refused such a request. Cf. *Burlington No. R. Co. v. TUCO Inc.*, 960 S.W.2d 629, 636 (Tex. 1997) (holding that arbitrator "exhibits evident partiality if he or she does not disclose facts which might, to an objective observer, create a reasonable impression of the arbitrator's partiality.").

2. The request for disclosure is not for delay, but for due diligence. It would be easy to overlook potential conflicts in a case like this with thousands of interested individuals. It would be hard for the undersigned to explain why no request was made if such conflicts were discovered later.

3. Defendants concede the motion is unusual. Requests like this are usually handled by letter to the court. But some litigants believe letters to the court are *ex parte* communications, so the undersigned asked Plaintiffs' counsel if he objected to such a letter. He said he did. Hence this motion.


4. Defendants have already waived any conflict relating to Frank Hall.

THOMAS A. WILDER  
 DISTRICT CLERK

2010 DEC -6 AM 9:26

FILED  
 TARRANT COUNTY

Respectfully submitted,


  
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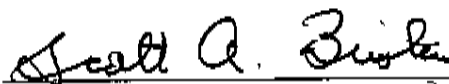
#### CERTIFICATE OF CONFERENCE

As previously certified, on October 4, 2010, Karen Ftak, paralegal for opposing counsel Jonathan D.F. Nelson, notified me by email that he opposed submitting this motion to the Court. Therefore it is presented to the Court for determination.

  
 Scott A. Brister *by permission fss*

#### CERTIFICATE OF SERVICE

I hereby certify that on the 6<sup>th</sup> day of December, 2010, a true and correct copy of the foregoing *Motion for Disclosure of Potential Conflicts* was forwarded to all counsel of record by facsimile.

  
 Scott A. Brister *by permission fss*