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Texas Judge's Hot Temper, Stern Tongue Revealed in Court Records

"I think [402nd District Judge Jeffrey Fletcher] had every opportunity to be a good judge, and I would say he probably still has that opportunity," former Wood County Judge Bryan Jeanes said. "In my opinion, he's made some bad decisions and overstepped his bounds in some areas."

By Angela Morris | August 20, 2019



Photo: Cameron Whitman/Shutterstock.com

A review of court documents in cases before 402nd District Judge Jeffrey Fletcher paints a picture of a jurist with a sharp tongue and history of referring to attorneys and litigants as liars.

Fletcher has been on the hot seat in the past, facing judicial discipline for interfering with another judge's cases (<https://www.law.com/texaslawyer/2019/08/14/sanction-texas-judge-interfered-in-cases-to-help-his-ex-court-coordinator-whos-now-district-clerk/>) to benefit his former court administrator, who is now a district clerk.

But now, the judge might also end up in the spotlight for other behavior, uncovered through a Texas Lawyer investigation of appellate opinions and court records, which show Fletcher sending angry emails to attorneys and others, and accusing lawyers and litigants of lying.

"Your failure to properly manage your cases and calendar, coupled with lying to my staff requires me to comply with the responsibilities required of me as a district judge," Fletcher wrote in an email (https://drive.google.com/file/d/1lh6JTd41RwIDHx8U6Pb_njB11M67GhxR/view) about a missed court date by Tyler attorney O.W. "Buddy" Loyd II. "Your failure to appear as ordered, and dishonesty towards my staff reflects your utter disregard for your duties as a lawyer, your lack of candor with my staff and your conduct unbecoming the profession."

Fletcher didn't respond to a call or email seeking comment.

But questions are swirling about whether he violated judicial conduct rules (<https://www.txcourts.gov/media/1444424/texas-code-of-judicial-conduct.pdf>) that require judges to be courteous to lawyers and parties appearing before them, and to avoid any appearance of impropriety or bias.

Related story: Sanction: Texas Judge Interfered in Cases to Help His Ex-Court Coordinator, Who's Now District Clerk
(<https://www.law.com/texaslawyer/2019/08/14/sanction-texas-judge-interfered-in-cases-to-help-his-ex-court-coordinator-whos-now-district-clerk/>)

Those who've raised questions include former Wood County Judge Bryan Jeanes, who filed a judicial conduct complaint over a probate case (<https://drive.google.com/file/d/1X0R3mq95Sx8K4q7oNz8wU2PEy06avz21/view>) and DWI case (<https://drive.google.com/file/d/1a74ySWjAXACNffwNAmdEjj2rapgxnX9/view>) that led to the prior private warning (<http://www.scjc.state.tx.us/disciplinary-actions/private-sanctions/fy-2018/priv-warn-and-oae-of-a-di-6618/>) against Fletcher.

"I think he had every opportunity to be a good judge, and I would say he probably still has that opportunity," Jeanes said. "In my opinion, he's made some bad decisions and overstepped his bounds in some areas."

In rural Wood County's tight-knit legal community, lawyers have heard stories of Fletcher's demeanor, and some have read the appellate cases detailing his comments. But that doesn't mean all attorneys are unhappy with the judge.

Curtis Alexander McCampbell partner Brad McCampbell of Emory, for instance, ran against Fletcher in the 2016 Republican Primary and lost. He said he hasn't noticed the judge being discourteous to lawyers or litigants, although Fletcher can be stern, like a lot of judges.

"All of my experiences with the judge since then in cases where he's on the bench have been good," McCampbell said, noting he handles civil litigation, which isn't as hotly contested as family law or criminal cases.

'You Lied'

One example of Fletcher possibly overstepping bounds arose in a recent contempt of court proceeding, in which another judge determined that Fletcher made unfounded accusations that an attorney lied about missing a court setting.

When Loyd, the Tyler attorney, missed the case setting in March, Fletcher responded with an email. He admitted in the subsequent contempt-of-court proceeding that he was angry when he wrote the email, which Texas Lawyer obtained from court records.

The email said that Fletcher's court coordinator had called Loyd on March 8, after he didn't appear. It then added an accusation: that Loyd had "lied," saying someone in the office told him he didn't have to appear, when he hadn't talked to anyone on Fletcher's staff, the email said.

"This conduct is both extremely unprofessional and dishonest and will not be tolerated," Fletcher wrote, citing a disciplinary rule that prohibits attorneys from engaging in dishonest, fraudulent, deceitful or misrepresentative conduct.

Fletcher then fined Loyd \$500.

Read the full email:

JFletcher

From: JFletcher [judgefletcher402@mywoodcounty.com]
Sent: Friday, March 8, 2019 11:32 AM
To: Buddy Loyd (owloyd@gmail.com)
Cc: 'Angela Albers'; 'Joseph Fenlaw'; 'Kim Carpenter'
Subject: Status Docket 3/8
Attachments: 20190308100129226.pdf

Mr. Loyd:

The following cases were called this morning:

23,714-2018; State v. Applegate
23,759-2018; State v. Molina
23,590-2018; State v. Osbourn

You were absent for the status docket this morning. This is after appearing late at the last docket (you would likely not have appeared then either after had my Court Coordinator not called you). I have attached the reset forms bearing your signature from the last hearing that put you and your client on actual notice that your cases were reset for today. Your clients were present today and these cases have been reset to the April 5 status docket. It would be prudent to attempt to reach a resolution or set these cases for trial as they have each been called at least twice before without any firm announcement other than to pass them to the next status docket.

As you were absent again, you to appear after I had called all the other cases, I told her you had been told by "that office" that you did not have to appear today. When questioned about who it

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'Very Rude'

Loyd didn't pay the \$500, and a contempt-of-court proceeding followed. Hopkins County Court-at-Law Judge Amy Smith, the visiting judge who presided, did find Loyd in civil contempt for missing court dates, but also found that Fletcher's accusations that Loyd lied were unfounded.

Loyd is appealing the ruling.



"Judge Fletcher testified that he was angry at OW Loyd, II when he wrote the email," Smith's findings and conclusions

**Judge Jeffrey Fletcher,
402nd District, Texas.**

(<https://drive.google.com/file/d/1tBjP8HGVXlaHDzn5xWK7AxRP4RoXjyO1/view?usp=sharing>) said. "As to the contempt issue that Mr. Loyd lied to the court, was dishonest and unprofessional, the court found this complaint to be unfounded. Mr. Loyd was never given the opportunity to apologize, explain or make amends to the court before Judge Fletcher emailed him with these accusations."

Loyd declined to comment.

His attorney, Boren & Mims partner Bobby Mims of Tyler, said Loyd was in an auto collision a year and a half ago, and suffered a head injury that impacted his cognition, which may explain why he missed court.

"In the email, he called Buddy a liar. Buddy is a very well-thought-of lawyer here, so we contested that. I felt the judge was very rude to the other lawyers. He was imperious, almost," Mims said.

'Judicial Bullying'

Another email from Fletcher, which found its way to Tyler's 12th Court of Appeals, accused a family law litigant, Theresa Lynn Goddard, of "weaponizing" a protective order to have her then-husband incarcerated.

In re Goddard

- The appellant in a divorce case had a temporary ex parte protective order against her then-husband.
- The parties entered a Rule 11 agreement to extend the protective order until the court heard evidence.
- Fletcher issued a sua sponte order to vacate the extension of the protective order.
- The appellant sought mandamus relief from Tyler's 12th Court of Appeals.
- The court ordered Fletcher to restore the protective order, finding he should have

The judge wrote in an email that he received numerous questions from law enforcement about the protective order and that law enforcement had been "forced to endure numerous illicit telephone calls and complaints," the email said.

"It has become glaringly apparent that the feckless temporary ex parte protective order has been weaponized by Ms. Goddard in her effort to have Mr. Goddard incarcerated," Fletcher wrote. "Further abuse of the rules and weaponization of the law pertaining to the application for protective orders without valid evidence properly presented will result in very uncomfortable consequences."

Goddard's petition for writ of mandamus


provided a hearing and considered the couple's child's best interests.

(https://drive.google.com/file/d/1u6_jnuWWvApmp2jt5xtS-7pUliZUxiUn/view?usp=sharing) said that Fletcher's email referenced questions from law enforcement, but she couldn't cross-examine them at a hearing. Goddard claimed that judges shouldn't have that type of ex parte communications. Most disturbing, claimed Goddard, were the weaponization accusations and threat of consequences. The petition called it "judicial bullying."

Quitman solo practitioner Brandon Baade, Goddard's appellate attorney, declined to comment.

Read the full email:

11/14/2018



Patton Law Office Mail - 2016-212 IMMO Goddard

Matthew Patton <matthew@matthewpattonlaw.com>

2016-212 IMMO Goddard
2 messages

JFletcher <judgefletcher402@mywoodcounty.com>
To: Shauna Key <keylawfirm@yahoo.com>, matthew@matthewpattonlaw.com
Cc: tcastloo@mywoodcounty.com, Bobby Sanders <bsanders@mywoodcounty.com>, rholland@mywoodcounty.com, Donna Huston <dhuston@mywoodcounty.com>, jmosher@mywoodcounty.com, fellis@mywoodcounty.com

Thu, Nov 8, 2018 at 5:09 PM

Counsel:

I have recently received numerous questions from law enforcement regarding a protective order in the above matter. I have taken the liberty to copy them as they have been forced to endure numerous illicit telephone calls and complaints regarding same to be certain that all persons involved or affected by this conduct have a clear understanding of the position taken by the Court in this matter. In researching this problem, I find that in August 2016 a Temporary Ex Parte Protective Order was signed that was only valid for twenty days. In November of 2016, *another* Ex Parte Protective Order was issued. Since that time, **no actual protective order has ever issued** and there have been five (5) more hearings/opportunities to present evidence regarding this subject. It appears that the most recent extension requested and signed in February 2017 was drafted by counsel that allowed the Temporary Ex Parte Protective Order to remain in effect "...until the Court is able to hear the evidence...". This runs counter to Texas law and common sense. Attorneys cannot draft and agree to orders that do not comply with Texas law under Rule 11 of the Texas Rules of Civil Procedure. Even if the order had actually been issued based on credible evidence, Protective Orders are only good for two years without extenuating circumstances that certainly do not exist in this case. It has become **glaringly apparent** that the feckless Temporary Ex Parte Protective Order has been weaponized by for violation of the order. Ms. even recently complained to the order. Ms. Goddard even has c

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fact that the most recent hearing in this case was yesterday. There were at least seven

'The Most Bizarre Thing'

In addition to Loyd, Fletcher has allegedly accused others—including former Quitman Police Captain Terry Bevill—of lying.

In Bevill's case, Fletcher allegedly made the accusation in open court and on the record during the trial of David McGee, a jailer accused of tampering with government records and facilitating or permitting an inmate escape.

Bevill has since sued Fletcher and other local officials, accusing them of retaliation because he filed an affidavit on McGee's behalf, saying close relationships between the officials would harm McGee's right to a fair trial. The officials deny this.

McGee's trial proceeded in Fletcher's court. At the end, Fletcher allegedly commented that Bevill's affidavit contained lies that were reprehensible and disrespectful of law enforcement and officers of the court. Fletcher issued a warrant for Bevill's arrest for felony aggravated perjury, but later, a grand jury declined to indict Bevill and dismissed the charge.

Related story: Texas District Judge, Ex-District Attorney Deny They Retaliated Against Former Police Captain

(<https://www.law.com/texaslawyer/2019/07/15/texas-district-judge-ex-district-attorney-deny-they-retaliated-against-former-police-captain/>)

"It was the most bizarre thing I've ever seen in my life," said Greenville solo practitioner Scott Cornuau, the criminal-defense lawyer in the McGee trial, who quit taking Wood County cases because of it. "I didn't know judges could do that: Just arbitrarily say, 'I don't think he's telling the truth.' ... I've scratched my head ever since, wondering what kind of county that can happen in."

Wood County Criminal District Attorney Angela Albers declined to comment.

"The integrity of the justice system is compromised when a judge acts as a complaining witness, prosecutor and jury—not as a fair and impartial jurist," said Bevill's civil attorney, Laura Benitez Geisler, partner in Sommerman, McCaffity,

Quesada & Geisler in Dallas.

In re K.M.

- A father accused a mother of exposing their child to marijuana; the mother countered with child sex abuse allegations.
- Fletcher questioned the mother's evidence and why she delayed the accusation.
- Fletcher limited the mother's visitation to be in front of a licensed therapist.
- The mother argued that Fletcher ruled out of anger and didn't have evidence for the ruling.
- The 12th Court found a lack of sufficient evidence and ruled that Fletcher abused his discretion.

Geisler said she believes Fletcher violated judicial ethics rules that require judges to avoid impropriety and bias.

Accusations of lying also came up in a child custody proceeding where the mother made potentially unfounded child sexual abuse allegations against the father. The 12th Court's opinion in *In Re K.M.* said Fletcher told the mother she should reconsider her affidavit, or have really good proof of her allegations.

"She lies like nobody's business about lots of things," Fletcher said about the mother, according to the 12th Court opinion. "I'm telling you, I'm this far from putting her in jail."

Tyler solo practitioner James Volberding, the appellate attorney for the father, said that Fletcher's comments didn't cross a line.

Parents in custody disputes sometimes seek to harm each other, and child abuse allegations are the most dangerous.

He said, "Having someone, maybe for the first time, look them in the eye and say, 'You have lied to this court and to these attorneys,' if that is true—that is actually healthy."