

IN THE INTEREST OF
B [REDACTED] J [REDACTED]
A CHILD

: IN THE DISTRICT COURT
:
: 301ST JUDICIAL DISTRICT
:
: DALLAS COUNTY, TEXAS

**ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE BY
NON-RESIDENT ATTORNEY RICHARD DUCOTE**

The Court having duly considered the motion of Richard Ducote, Esq. of the Louisiana Bar (La. Bar # 5111), moving pursuant to Rule XIX, Rules Governing Admission to the Bar of Texas, for leave to appear as co-counsel *pro hac vice* with Thomas Burton, Esq., court appointed attorney *ad litem* for the child, B [REDACTED] J [REDACTED], and the Court knowing Mr. Ducote's excellent 30 year reputation(1) as a respected advocate for abused women and

1

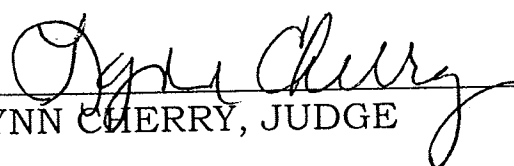
Since Mr. Ducote is apparently targeted in various cases around the country by opposing parties adjudicated or accused of domestic violence/ child abuse and their counsel wishing to avoid his documented expertise in abuse litigation, and because of a recent appellate court decision stemming from a case involving the predecessor judge in this Court (discussed below), this judge finds it appropriate to comment further on Mr. Ducote. He has been admitted to the Louisiana Bar since 1978, and is in good standing as counsel admitted to the following federal courts: the United States Supreme Court (7/20/87), United States Courts of Appeals for the Fourth (7/14/99), Fifth (12/14/83), Ninth (9/27/87), and Eleventh(9/13/02) Circuits; and United States District Courts for the Eastern District of Louisiana (12/20/78), the Western District of Louisiana (1/20/92), the Middle District of Louisiana (10/3/86), the Southern District of Mississippi (11/12/94), the Northern District of Ohio (8/12/87), the Eastern District of Texas (2/6/92), the Northern District of Texas

(8/24/88), and the District of Colorado (3/5/99). In *In the Interest of A.R.*, 236 S.W.3d 460 (Tex.App.5th Dist. 2007), the Court of Appeals discussed Mr. Ducote's involvement as a consultant in that particular case. Therein, in a case involving the predecessor judge of this same 301st District Court (I recused myself from that particular case upon taking the bench because I was already familiar with the proceedings), all sorts of allegations against Mr. Ducote are referenced, clearly based on second and third hand hearsay, rumor, innuendo, and some sort of "guilt by association." See discussion, *Id.* at 460, 466-467, 471. Since Mr. Ducote was not a party to the trial court case or the appeal, he was not able to defend himself. Although the trial judge made no findings that Mr. Ducote had done any of these things mentioned in the reported decision, that fact is not clear from an initial cursory reading of the Opinion. (See *Id.* at 461, first full paragraph, for the first reference to any lack of findings against Mr. Ducote). Next, the Opinion discusses the trial judge's ruling excluding Mr. Ducote from the courtroom. *Id.* at 468. The Opinion does not explain the course of events in that regard. After the trial judge rather arbitrarily excluded Mr. Ducote from the courtroom without the record reflecting any justification for the action taken, he applied for a writ in the Fifth District Court of Appeals (Case No. 05-06-00242-CV) seeking readmission to the public trial. It was not until after the trial judge was served with the writ petition that she crafted her Order Excluding From Courtroom specifically tailored to defeat the writ petition, the timing of which she did not disclose to the appellate court [See Ex. A, Relator's Reply to Respondent's Response]. Mr. Ducote never received the hearing he demanded both in the trial court and the Court of Appeals. The Opinion's references to Mr. Ducote's supposed "disruptive courtroom behavior" derive from this post-facto trial court Order. It seems that the attached May 23, 2006, letter from Billie Lee Dunford-Jackson, Co-Director of the Family Violence Department of the National Council of Juvenile and Family Court Judges [Ex. B] very adequately explains Mr. Ducote's background and the resistance he encounters from some judges and adverse counsel.

Furthermore, additional discussion of the "kidnaping" innuendos is warranted. The private investigator whose "drive-by" affidavit accused Mr. Ducote of some involvement with missing children, mentioned in the Opinion, has fought efforts to depose him, to force him to produce the "evidence" upon which he made his affidavit, and to ascertain who is paying him for this campaign against Mr. Ducote. The affidavit of Nancy Fisher, the since retired FBI agent who was involved in the DeWalt case, the Comal County, Texas, matter upon which this private investigator focuses in his affidavit, establishes that not only was Mr. Ducote never suspected of any involvement in that child's disappearance, but that he was actively in contact with federal law enforcement during the relevant time period [Ex. C]. Were Mr. Ducote involved in kidnaping children, I doubt that would have been invited by the U.S. Attorney's Office in the Western District of New York to train, side by side with officials from the National Center for Missing and Exploited Children and a Dallas Police Department Detective, FBI agents and other law enforcement officers [Ex. D].

children, and an ardent proponent of family court law reform, the motion is **GRANTED**, and Mr. Ducote is admitted *pro hac vice* as co-counsel with Thomas Burton, Esq.(2), the attorney *ad litem* for the child in this case.

Done and signed this 7th day of February, 2008, at Dallas, Texas.


LYNN CHERRY, JUDGE

Notwithstanding the hearsay and other unsupported attacks on Mr. Ducote referenced in the Opinion, I find the more credible and relevant evidence of Mr. Ducote's activities, and the company he keeps, to be his invited participation in the conference jointly sponsored by the Association of Family and Conciliation Courts / National Council of Juvenile and Family Court Judges to address concerns about family court cases involving domestic violence [Ex. E] and his requested involvement in the preparation of *A Judicial Guide to Child Safety in Custody Cases* [Ex. F].

2

Mr. Ducote's detractors also apparently target Justice for Children, likewise discussed in the *A.R.* Opinion, for whom Mr. Burton is General Counsel. These attacks are similarly spurious and designed to discredit and undermine a very well respected and nationally honored organization fighting against domestic violence and child abuse. Justice for Children has been lauded by the American Bar Association and other credible organizations. See <http://www.jfcadvocacy.org/>.

FILED IN
5TH COURT OF APPEALS
27 MAR -1 PM 7:50
LISA MATZ, CLERK

CASE NO. 05-06-00242-CV
IN THE FIFTH TEXAS COURT OF APPEALS

Richard L. Ducote, Esq.
Vs.
Hon. Susan Rankin

RELATOR'S REPLY TO RESPONDENT'S RESPONSE

Richard L. Ducote, Esq., of the Louisiana Bar
Relator Pro Se
One Allegheny Square, Suite 455
Pittsburgh, PA 15212
(412) 322-0750

May It Please The Court:

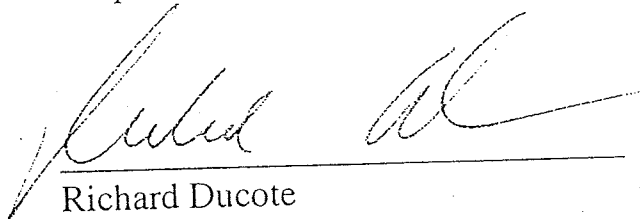
Judge Rankin has filed a response, and included therein a document captioned Order Excluding From Courtroom, showing a signature date of February 28, 2006, the day this writ petition was filed. Relator has confirmed with the 301st District Court's Clerk's Office that this Order was not prepared by Judge Rankin until after she was served with a copy of the writ petition. She does not disclose this fact to this Court in her response. With all due respect to Judge Rankin, she has simply tailored a post-facto order designed to justify her barring Relator from the courtroom. She includes therein a finding that the Relator has a "*contumacious disregard for this Court's authority*," but cites only his sitting in the second to last row of the courtroom instead of the last row as the only violation of her February 28, 2006, verbal order. She also adds that the behavior was, "*disruptive to the orderly administration of the trial and impedes the administration of justice*." Yet, none of the conduct she reports meets that test, and cites nothing of substance Relator has done after she ordered otherwise. As Judge Rankin knows, this Order which she post-facto prepared will be used to harm Relator's career in other jurisdictions. Relator suggests that Judge Rankin should have disclosed the timing of her order to this Court. Relator further shows that given these findings against him, he is entitled to an

evidentiary hearing before another judge to determine if Relator did, indeed, commit the acts which Judge Rankin alleges, which are tantamount to contempt.

Given the potential effect on Relator's career, the issue is not moot after this trial concludes.

WHEREFORE, Relator urges this Honorable Court to 1) order Judge Rankin to disclose the timing of the Order filed in her response, 2) to strike her response if the Order was prepared after she was served with the mandamus petition, 3) alternatively, to order an evidentiary hearing before another judge to determine if Relator's conduct was as Judge Rankin describes in her response, and 4) grant the mandamus.

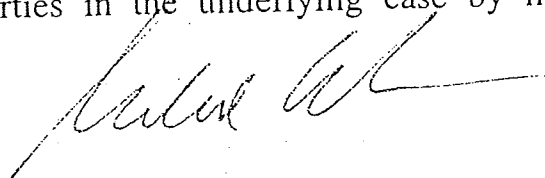
Respectfully submitted,



Richard Ducote
Relator Pro Se
One Allegheny Sq., Suite 455
Pittsburgh, PA 15212
(412) 322-0750
(412) 322-0712

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on Judge Rankin and all counsel for the parties in the underlying case by hand delivery this 1st day of March, 2006.





NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

est. 1937

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Newark, New Jersey

May 23, 2006

Ms. Jill Fuchs
Deputy Executive Director
Pennsylvania Board of Law Examiners
5070A Ritter Road, Suite 300
Mechanicsburg, PA 17055

Re: Application of Richard Ducote for admission to the Pennsylvania Bar

Dear Ms. Fuchs:

It is my privilege to recommend Richard Ducote for admission to the Pennsylvania Bar. I am the co-director of the Family Violence Department of the National Council of Juvenile and Family Court Judges; and our work brings us into close contact with national experts from the varied disciplines that work on issues of child custody and child protection in the context of domestic violence. Our mission is to help courts do a more appropriate and effective job of meeting the needs of adult victims of domestic violence and their children, who often are direct victims of the violence as well.

We and other national policy makers in our field often consult with Mr. Ducote, who is widely recognized in the national domestic violence and child sexual abuse communities as one of the premier litigators in the country on behalf of these victims, adult and child. He specializes in the toughest cases, often involving the most complex issues of interstate custody disputes, where the safety of the victimized parties depends upon the outcome of their cases. He has a national reputation as a fierce and tireless advocate for his clients, and his reputation for integrity is above reproach.

He is not without controversy, it is true. He brings messages that may be uncomfortable for courts to hear, for instance, that in some cases their families are the most dangerous places for people to be; and that the right to be safe must trump any notion that parents have an unqualified right of possession of their children. He demands from overburdened courts looking for a one-size-fits-all approach that his clients receive full and fair consideration, regardless of the court resources the process requires. For these reasons, many judges hate to see him coming; and individuals who take the position that they own their children and have the unqualified right to use them in any way they please consider him their archenemy. It seems to me that these sorts of activities are perfectly consonant with, and in fact, fulfill an attorney's ethical obligations.

Thank you for this opportunity to recommend Mr. Ducote to you. Please feel free to contact me if I can be of further assistance in this matter.

Sincerely yours,

Billie Lee Dunford-Jackson
Co-Director, Family Violence Department, NCJFCJ
775/784-4463 bjackson@ncjfcj.org

EXHIBIT B

University of Nevada, Reno
P.O. Box 8970
Reno, Nevada 89507

1041 No. Virginia St.
Third Floor
Reno, Nevada 89503

Tel 775-784-6012
Fax 775-784-6628
Web www.ncifci.org



02/06/2008

To Whom It May Concern:

I met attorney Richard Ducote approximately five years ago in San Antonio, Texas, when his client came to the San Antonio Federal Bureau of Investigation Office (FBI) to file a complaint. At the time, I, a Special Agent, (SA) was the Crimes Against Children (CAC) Coordinator for the San Antonio Division. While the FBI did not prosecute the case, I was involved in liaison with the military and others in this matter. Mr. Ducote met with me and the Assistant United States Attorney (AUSA), Western District of Texas (WDT), on several occasions to discuss this matter. At no time, did I feel that Mr. Ducote was anything less than ethical and honest. AUSA Karen Nelson never advised me that she felt Mr. Ducote was unethical or dishonest.

In this matter, Mr. Ducote's client, Suzanne DeWalt, fled from Texas with her minor child, Jeremy. Mrs. DeWalt's behavior was unexpected and shocking to me. I immediately advised the New Braunfels, Texas Police Department (NBPD) which had issued a warrant for her arrest that I would assist them in the location of Mrs. DeWalt. My offer was not accepted. Mrs. DeWalt was apprehended approximately two years later in Mexico by the FBI.

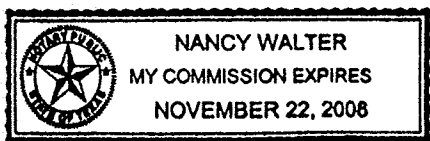
At no time, prior to this act, did either Suzanne DeWalt or Richard Ducote make mention of or infer that DeWalt would evade the law and kidnap her child. I have not spoken to Suzanne DeWalt since prior to her flight to Mexico. Local newspapers have interviewed her and quoted her as saying that her decision to kidnap her son was her own idea and did not involve the assistance of or knowledge of anyone else. I cannot prove that that statement is accurate or inaccurate. I don't have the slightest idea of who, if anyone, other than DeWalt's own mother, participated in this act. There has been no reason, though, to suspect Richard Ducote of encouraging or aiding his client. The FBI has not investigated Mr. Ducote for aiding or assisting DeWalt.

In 2004, I retired from the FBI and opened a Texas licensed private investigation company. This year, a client requested that I locate an attorney for him in a child molestation/family custody civil suit. I recommended Richard Ducote. I would not have done so if I felt that he either assisted or encouraged his clients to kidnap their own children in order to evade the law. I have never known his actions to be less than prudent or judicious. I have never seen or been privy to any information that would lead me to suspect Richard Ducote of breaking the law in any manner.

Sincerely,

Nancy B. Fisher

EXHIBIT C



Nancy Walter
Exp 11-22-2008

TERRANCE P. FLYNN
UNITED STATES ATTORNEY
WESTERN DISTRICT OF NEW YORK

September 29, 2006

Richard Ducote, Esq.
Ducote & Associates
1 Allegany Center, Suite 455
Pittsburgh, Pennsylvania 15212

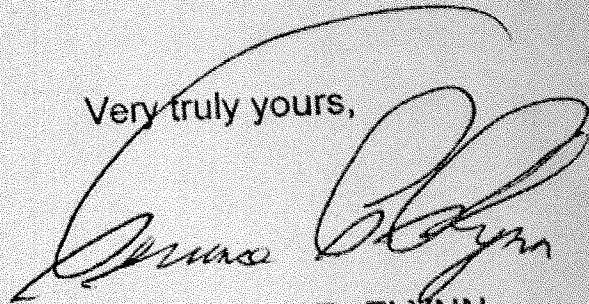
Dear Mr. Ducote:

Thank you for speaking at our recent Combating Child Pornography Conference. I have received numerous compliments regarding your presentation and the overall seminar. I hope you know your participation was extremely valuable. As the United States Attorney, I am always amazed by the generosity of our colleagues both in the private and public sector.

Please always feel free to contact me at any time if you are ever in need of my assistance.

Thank you again.

Very truly yours,



TERRANCE P. FLYNN

EXHIBIT D

EXHIBIT D



ASSOCIATION OF FAMILY
AND CONCILIATION COURTS



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES
/ est. 1937

October 18, 2006

Richard Ducote, JD
Richard Ducote and Associates
One Allegheny Square, Suite 455
Pittsburg, Pennsylvania 15212

Re: Wingspread Conference

Dear Mr. Ducote:

On behalf of the Association of Family and Conciliation Courts (AFCC) and the National Council of Juvenile and Family Court Judges (NCJFCJ), we are pleased to invite you to participate in a Wingspread Conference examining the challenges that arise when domestic violence and family courts intersect. The goal of the conference is to bring together social science and legal scholars, advocates for victims of domestic abuse, and family law professionals, to collaborate on ideas and opportunities to meet more effectively the needs of families experiencing domestic violence.

There is a growing awareness that all uses of violence in intimate relationships are not the same. Rather, they vary according to the motivation of the abusing partner; the significance of the violence to the victim and other members of the household; and whether or not the violence is likely to recur and/or be accompanied by controlling or manipulative behaviors. However, in general, state laws treat all uses of violence in these relationships the same; interventions are often one-size-fits-all; and the implications of these differences for custody and visitation decisions in family court remain largely unexplored.

Until now, there has been no gathering of the disparate views of the judiciary, social scientists, academics, and family law practitioners on these issues, and no attempt to resolve differences in ways that will improve system outcomes for families afflicted by these problems. The AFCC and NCJFCJ are pleased to invite you to Wingspread from late afternoon on February 15th until midday February 17th, 2007, to think together about how to differentiate these various uses of interpersonal violence, define their implications for services provision, and delineate how to create differentiated tracks for their disposition in family court. The anticipated results are clarity of issues and definitions; a short-term agenda for bringing about improvements in the process of handling these cases; and a longer-term agenda for the reallocation of existing resources and creation of new ones, including potential collaboration projects toward those ends.

Association of Family and Conciliation Courts
6525 Grand Teton Plaza Madison, WI 53719
Tel.: (608) 664-3750 Fax: (608) 664-3751 afcc@afccnet.org

National Council of Juvenile and Family Court Judges
P.O. Box 8970 Reno, NV 89507
Tel.: (775) 784-6012 Fax: (775) 784-6628 staff@ncjfcj.org

EXHIBIT E



AFCC
ASSOCIATION OF FAMILY
AND CONCILIATION COURTS



**NATIONAL COUNCIL OF
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This conference is supported by the Johnson Foundation. Wingspread was designed by Frank Lloyd Wright and built in 1939 in Racine, Wisconsin. Over the years, the Foundation has sponsored thousands of conferences on important social issues. Wingspread will provide your meals and ground transportation between Milwaukee's Mitchell International Airport and the conference site. Once you have confirmed your acceptance of this invitation, you can expect the Foundation to contact you to determine such information as your dietary requirements and your expected time of arrival at the airport.

NCJFCJ will cover your lodging at the conference site and your travel costs. There is no accommodation for spouses or other guests. Please contact Kelly at Welcome Aboard Travel, 1-800-782-3099, and furnish her your T-number, -----, to make your flight reservations. Tell her your travel arrangements need to have you arrive at the Milwaukee airport no later than 3:00 Thursday afternoon, February 15, and fly from there no sooner than 2:30 Saturday afternoon, February 17.

Enclosed please find some additional background materials. Attached to this letter is a short registration form. Please fill it in and fax it back according to the instructions on the form, so that we can be sure of your participation. We need to have your response by Wednesday, November 15, to reserve your place at the conference table. Thank you again. We look forward to working with you.

Peter Salem
AFCC Executive Director

email: psalem@afccnet.org

Billie Lee Dunford-Jackson, JD
Co-Director, Family Violence Department

email: bjackson@ncjfcj.org

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NCJFCJ

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

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October 31, 2007

Richard Ducote
1 Allegheny Square, Ste 455
Pittsburg, PA 15212

Dear Mr. Ducote:

Thank you for agreeing to participate in the read review of *A Judicial Guide to Child Safety in Custody Cases (Guide)*. This type of review is essential to ensuring that our product is relevant and useful to judges who preside over custody matters.

Enclosed are a copy of the *Guide* and a form on which to provide feedback. As you read through the tool, please be mindful of its tone, content, organization, and usability. We ask you to submit your feedback to us using the feedback form by **November 30, 2007**. Your input is essential to the success of the project.

Thank you for your assistance on this project. If you have any questions, please do not hesitate to contact me at (775) 327-5326.

Sincerely,

Katheryn Yetter, Senior Attorney
Family Violence Department

EXHIBIT F

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