**[Ex 2-3i] 2006-10-11 791071b October 11 2006 Texas Senate Hearing on Jurisprudence**

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But Judge wanted him, he was a friend of the court and I got hold of several invitations for campaign fundraisers and his name was always on there for Olson. He's a friend of all the courts. So anyway, I didn't, we contacted, oh I want to bring this up for Senator Gallegos, you mentioned to Mr. Alpert that he should have contacted the Commission on Judicial Conduct.

Well I did that and they weren't the slightest bit interested in my case. They said sorry, they had nothing to do with things like that. So then we, let me see, Judge Herman got into the case.

Oh we filed for recusal and finally after several, maybe a month and a half, Judge Olson recused himself and Judge Herman appointed himself and he came down to Houston and in the meantime this judge had made me put up a $30,000 deposit for his friend to start his appraisals for $78,000. Well Judge Herman threw out the appointment. He said it was ridiculous and insupportable and he came down again and ordered them to give me my $30,000 back.

Well that happened. Then this fellow took me to Appeals Court, the 14th Court of Appeals. The Appeals Court ruled against me.

Then I got a copy of another invitation from Eva Guzman, our Appeals Court judge, for a campaign party fundraiser and who's on the host committee? The appraiser. He's a friend of all the courts and he's not even an appraiser. So we lost in the Appeals Court.

Then we went to a jury trial and the jury trial wasn't allowed to hear any of the history of the case, the fact that Judge Olson had recused himself, the fact that Judge Herman came down and threw out the appointment, denied all the motions, dismissed everything, gave me my money back. The 14th Court of Appeals had thrown that out. Anyway, the jury wasn't allowed to hear any of this information.

All they saw was this poor man who had done this work and they didn't know it wasn't reputable work, that I wouldn't pay him. So they lost in that court. So it was 15 or 20 minutes that my attorney said it would take to probate my husband's will.

It took four years and seven months and $368,000. And your suggestion? My suggestion is just get a clean slate of judges. I hadn't heard an incident of one of them that hasn't been devious.

Since my case, new legislation was passed where a judge cannot appoint an appraiser because he deems it necessary. I think that was passed about a year ago. He has to show evidence why there's a reason to appoint an appraiser.

Actually, that bill was a Senate bill, 347, that I wrote. Oh. And Will Hartnett, State Representative from Dallas County, was the House sponsor of that bill.

I see. We added the words for good cause shown. So a judge can't just do it.

Deeming. On his own. So there has to be some good cause shown before it can happen.

Well, alright, Senator. Also, at the start of my case, there was already something on the book stating that a judge couldn't appoint an appraiser who had any campaign connections with him. This was already on there.

They just ignored that. And the 14th Court quoted a little bit of that passage but cut out the part about the campaign association. Right.

Well, part of the difficulty that you've pointed out, and other witnesses have as well, is that we have a judiciary in this state which is not like a lot of other states where every single judge in our state is elected by the people. From the lowest local court judge to the Supreme Court, the Court of Criminal Appeals, are all elected by the voters. And I think you heard one judge say today that if they're reprimanded publicly by the Commission on Judicial Conduct, it makes it difficult for them to get reelected.

But it's true that incumbents who have name identifications are often prohibitive favorites to be reelected unless information like you're providing the committee is made more widely known by the voters. That's one of the aspects of the system that is undeniable. We elect our judges and if the voters don't know enough about the judges, that's what happens.

One point I like to make is when most people vote for judges, they don't go to the polls to vote for judges. They go to vote for bigger issues and they don't have recognition. They don't know who they're voting for.

They either don't vote or they vote for the incumbent or they just push a button because it's not very highly publicized, the information about the judges. So when the newspapers endorse them, I'm not sure if they really have delved into the history of the judges when they're endorsing them. I saw endorsements for Rory Olson.

I thought, my God, I haven't heard one person who ever thought he was a good judge. But somehow the Chronicle did and I wrote them a letter that they disregarded. But anyway, it made it known how I felt about it.

But most people aren't aware that they're all going to go before a probate court unless there's a trust involved. Most everyone is going to go to probate court and they don't know anything about what goes on in there. It was a shock to me.

It would have been a shock to my husband. I mean, we respected the courts. You know, this is a place, the court is supposed to protect the integrity of the estate, not rape it.

That's the job of the probate judge but I don't see that happening. I mean, this is the one person who's going to save your estate. This is the one person who's supposed to be working for you.

Well, I don't see why it's turning out that way. Well, anyway, thank you. Although your testimony is disturbing, we appreciate your coming and sharing your views.

Senator Gallegos has a question. Yes. Ms. Taub, going back to your testimony about when you went to the... Judicial? Judicial.

I contacted them in the year 2000 and this ended Christmas 2004. I contacted them because I saw the name of the woman who was head of the Commission at the time. I don't recall her name and I called and I followed it up with a letter and they wrote back and said, we can't do anything about a situation like this.

No help at all. That was their answer? That was it. That's why I kept wanting to interrupt when you were telling this to Alpert.

Why did you contact them? I don't know if they've changed any, if the members on the Commission have different attitudes, but at that time they couldn't be less interested. I mean, I had no one literally to help me, so when Judge Herman... I mean, it was preposterous because I didn't have time to grieve. Here I was supposed to be grieving for my husband and I'm in court for four and a half years for no reason.

No one wanted an appraisal. I was the only interested party except the judge wanted to steal from me, get his money. $78,000 versus $9,500.

There's no justification for that and this person wasn't even an M.I.R. appraiser and he was turned down for state certification twice. He's been appointed by all the four probate judges. You look at the records.

They all appoint him. Ms. Topp, thank you for coming. Thank you.

Appreciate your testimony. We're going to call Susan Conte. Welcome to the committee.

Thank you. My name is Susan Conte. I'm here on behalf of my family.

Excuse me. Days before an airing of a Channel 13 story on probate abuses in May of 2005, Paula Miller suddenly was no longer the campaign treasurer for Russell Austin. Days after this story aired, Paula Miller was no longer our successor temporary trustee which she had been since October of 1998.

Since October of 1998 through May of 2005, Paula Miller received over 1.3 million in cash and was paid an additional over $61,000 after she left by our now newly appointed trustee, Frost Bank. I'm appealing this. I'm okay.

There are things that we have found out very recently. For example, apparently there was a loan given to Paula Miller by Frost Bank in April of 2004 through 2005. That loan was paid off, apparently.

I'm still looking into this. The following month, May of 2005, Frost Bank is now our new appointee. They have been appointed as our new trustee.

Russell Austin brought Paula Miller to us. He gave her glowing reviews. We had never met Paula Miller in our lives.

Apparently Russell Austin knew her very well. After Paula Miller became our successor temporary trustee, apparently after a period of time, Paula Miller also simultaneously became Judge Russell Austin's campaign treasurer and remained both our successor temporary trustee and his campaign treasurer for the next five years. We had no idea if we would have known.

We would have asked for Paula Miller's immediate removal. When Paula Miller became our successor temporary trustee, all of our properties were free and clear. All of our taxes were paid, and we had between 2.3 to 2.5 million cash in the bank, and we had a couple of lawsuits on us that needed to be resolved.

Some of these payouts of these lawsuits were $750, $10,000, $15,000. Paula Miller made a production out of this. Paula hired lawyers to protect my family.

Fee after fee after fee was paid out, including to her own lawyers. Now that she is gone, we have had to now borrow up to a million dollar line of credit on one of our properties. The kindest way to put it is she came dangerously close to wiping us out.

The total amount of fees paid to these court appointees exceeds $2,700,000, and this does not include fees that have been paid to our new trustee, Frost Bank, that has been here for 16 months. Paula Miller goes by a couple of names that we have found. We found this information by happenstance on the Beverly Coffman site by clicking on miscellaneous.

For the campaign treasury reports, the names are Paula Miller, Paula A. Miller, Mrs. Paula Miller. Other names that could possibly be known are Mrs. David Lynn Miller, P.A. Miller Consulting, and Geneva Trading and Steel Company. If you refer to some of these names, you will also see donations to the judge.

We also found out that she apparently in 2002 co-authored with this judge. Apparently they've had, I guess, a friendship for quite some time. For the last 16 months, we have been literally begging Frost Bank to market our properties, beautiful properties, market them locally, regionally, and nationally for lease.

It hasn't been done. One thing that is just beyond comprehension is within the last couple of days, one of our buildings that was allowed to depreciate severely, we had had a lease in this property since I believe 2000. Harris County leased it from us.

From 2001 on, there was hardly any marketing done at all to lease this facility again. Within the last several days, Frost Bank, over our objections, is demolishing our building. A company named Wolfencompany, who we would have loved to have worked with, sent me an email just two days ago, and this is from Jeff Kaplan, Wolfencompany.

I am distraught after hearing how much the situation has deteriorated since we last spoke. I was stunned when I drove by the building this weekend and realized what was going on. It was a rare building for downtown, and it is sad to see it go.

In my gut, I am confident that if given a fair opportunity to bring it to the market, we could have found a creative tenant to do an adaptive reuse of the space. There is such a hunger in Houston today for any building with even a suggestion of authenticity. Is there anything that our Wolf Urban team can do to help you at this point? Please let us know.

I am so sorry about the loss to you and your family and the city. If you want to achieve something, you can achieve it. If you don't, you won't.

On the stand, my attorney asked Paula, what were your leasing efforts, Conti Properties in general? Let's get specific about this. If I recall, she said something about, well, couldn't really remember, couldn't recall, but there was a woman from Oregon. I don't know why it stuck in my head, but it did.

A couple of months later, I found out who the woman was from Oregon. It was Beaverton, Oregon. It was the Nike Corporation.

From what I understand, Paula didn't even meet them on site. Our foreman did, our employee of 20-something years. When I got the information, which was a couple of months later, I got in touch with Nike.

I have one, two, three, four, five, six cards from Nike. I met them on site myself, even though they wanted to take the property for an expo only. Even though in the long run, they decided against it, the fact was she didn't even try.

I have the actual fax that I had sent to Nike, dated August 9th of 05, when they were asking for specs on our property and on any other properties that we may have available downtown. We had an issue that is so beyond comprehension at this point, you're not going to believe it. Give me one second, please.

Mr. Conte, let me ask you a quick question. The building in downtown Houston, is it demolished yet? From what I understand, it was in process. I have not been able to bring myself to look at this.

This is way beyond the scope of this committee. Let me just tell you, we're not... I understand, but I want you to hear what I have to say, please. I may never get another chance.

We have two tenants, should I say one now. One, a company called The Bus, a sports bar, and the other was The Grand Room. We brought to Paul's attention for I can't tell you how long, that our tenants, their employees, should I say, were taking money on our property for parking, area they did not lease from us.

They were charging between $5 and $20 per car, at least 72 parking spaces. This was brought to her attention. Finally, she brought it to court and we won.

We had videotape of these tenants slash employees taking the money. She never even asked for sanctions, never asked for reimbursement, nothing. So we literally paid to win and we paid her, her lawyer, to win, but we got nothing out of it.

We proved the fact that they were taking the money. If you times 72 parking spaces times 5, 10, 15, $20, very small increments, $360, $720, $1,080, and $1,440. There's over 200 events at the Toyota Center across the street.

Multiply it by 200. It's staggering. But to add insult to injury, the tenant at The Grand Room, who had the abatement for four years so he could put money into the building and we could put money, was paying his taxes and insurance during that four years with our money from the parking.

We found out on March 8th of this year, the anniversary of my father's death, that this tenant named Joseph Rollins has been arrested. Three Houston men are accused of supplying cocaine to 16 members of a Baton Rouge, Louisiana distribution ring, charged in a federal indictment made public Monday. When Joseph Rollins was arrested, apparently he had over $434,000 dispersed throughout his vehicle, another $120-something thousand in saddlebags of a motorcycle.

Apparently Joseph Rollins had prior arrests dating back to 1989. Our successor temporary trustee never did a background check. That lease was for 25 years.

We have now lost that lease. But let's don't forget that the commission for that lease was paid up front. I thank God right now that my family is whole, that my mother is beautiful and well.

And what's kind of ironic is that the people that were taking the money off our parking, I actually brought my mother to a Bette Midler concert and we parked on our land. My mother was getting out of the vehicle and was approached by a man named Howard from the bus, our tenant, asking my mother for $5 to $20 to park there. You can see me calling as quickly as humanly possible, Paul Miller, to let her know about this situation.

I think we're just at a point we don't know what else to do. We are in a process of rebuilding, but we're also in the process of dealing with people that are now newly appointed that have ties to the judge as well. In a business journal article, we're still trying to figure out if this is dealing with my family because if it is, this is an absolute lie in fabrication.

For example, Miller was appointed as a successor trustee to a bankrupt trust, that's not us, that had a little over a million in assets and over a half dozen lawsuits involved with it, says Judge Austin of Harris County Probate. Miller was able to increase its value to over $14 million within two years of time it was handed over to her. I don't know.

I've been told that this is referencing our case. If it is, this is an absolute lie. We were never bankrupt.

We had ample money in the bank. All of our properties were free and clear. All of our taxes were paid.

We had some issues we needed to deal with. But this also includes Randall Lamb, her lawyer, and Frost Bank, the head of the trust department, which now we deal with Mike Dougherty. As I've said, I'm just happy my family is whole.

I'm happy my mother is doing beautifully. Just last weekend she was at Jones Hall seeing Burt Bacarach. I'm happy that my entire family is together and well.

But this has been an absolute nightmare and I hope to God we can pull out of it. I'm sorry to hear about what you've been through, but this committee really is here to listen to suggestions that people have for a way to prevent this sort of thing happening again. I don't know if it's preventable.

I don't know if it's preventable given the intensity of the cronyism, of the favoritism, of the non-transparency of who these people are. If you go to court you think, well, they all don't know each other. They all know each other.

You can look at the names, you'll see the same names over and over and over and over and over again. I don't think you can fix it. I think it is irretrievably broken.

My faith in the judicial system is nil. You grow up thinking that that's where honesty lies. It does not.

I don't think you can fix it. That's my opinion. It is irretrievably broken.

Well, fortunately for you and the rest of the people of Texas, this committee doesn't share your very dismal outlook on the future. While there's probably not anything we can do about your particular case, because we're not judges ourselves, we're going to try to legislatively improve the system that we've got and make it fairer for people in the future, and we're determined to do that. I thank you.

If you could even make a slight headway. Thank you. Thanks for being here.

Senator Gallegos has a question. Ms. Condi, when they changed the trustee to Frostbank, you said? Yes, sir. Did they give you a reason why? Yes.

They removed me. I got sued by the guardian of my mother's estate after seven years of being my mother's permanent guardian of a person. After being bonded for over seven years or so, I think, of up to $150,000 to take care of all of her needs.

**This file is longer than 30 minutes.**

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