

FOR IMMEDIATE RELEASE

### **William Exhausting Legal Remedies to Restore His Candidacy**

HOUSTON, Texas – September 6, 2002 – Today Clifford F. William appeared in the United States District Court for the Southern District of Texas, Houston Division before Judge Vanessa D. Gilmore. Also appearing were attorneys from Vinson & Elkin representing the Texas State Bar and the Unauthorized Practice of Law Committee. Vinson & Elkin is well known for representing Enron. The attorney general's office for the state of Texas attended by phone. The purpose of this conference was to enter into a joint schedule agreement. In June of this year Mr. William, with Royce Eugene Mitchell, brought suit in the United States District Court for the Southern District of Texas Houston Division against various officers on the State of Texas and the Texas State Bar including Judge Tom Phillips as sitting Chief Justice.

William and Mitchell allege that the statutes that created the Texas State Bar passed in 1939 and the resolution that amended the Texas Constitution in 1980 to require that a candidate for Justice or Chief Justice of the Supreme Court "is licensed to practice law in this state" were passed in violation of a constitutional provision that precludes legislators with a "personal or private interest in any measure or bill" from voting thereon. It is further alleged that the Texas State Bar is an unlawful monopoly; that the constitution amendment violated terms of readmission into the union and that a conspiracy exists and has existed between members of the Texas State Bar and other state bars to defraud the public and achieve an unlawful monopoly.

Mr. Phillips first sought to circumvent the action in federal court by petitioning the Texas Supreme Court and then the Texas Third Court of Appeals for a writ of mandamus. Mr. Phillips was represented in his petition by the prestigious law firm of Rosenthal & Osha. The object of the petition for a writ was to compel Libertarian Party state chair David DeLamar to declare Mr. William ineligible. The Texas Supreme Court dismissed the petition in Mr. Phillips absence and instructed Mr. Phillip's attorney to move the case to a lower court. The Texas Supreme Court does not hear cases that have not first been ruled upon by an appellate court. Mr. Phillips then successfully petitioned the Texas Third Court of Appeals whereon a writ of mandamus was issued directing DeLamar to immediately declare Mr. William ineligible to be a candidate for the office of Chief Justice Texas Supreme Court and the secretary of state to remove Mr. William's name from the ballot.

On Saturday, August 31st, Mr. DeLamar, as directed, declared Mr. William ineligible under protest. Mr. DeLamar then called an emergency meeting of the State Libertarian Executive Committee (SLEC) to select a replacement candidate. The SLEC meeting was held Wednesday, September 4th at 9:00 AM. The SLEC selected Eugene Flynn to be the tentative replacement candidate.

Mr. William intends to exhaust all legal remedies to restore his candidacy. And has added to his suit a request for a temporary restraining order to reverse the action of the

writ of mandamus issued by the Third Court. No action was taken today in regard to the request for a temporary restraining order. The question was raised as to whether or not the Texas State Bar can claim sovereign immunity and the bar will have to prove that it is not subject to suit after which Mr. William and Mr. Mitchell will have an opportunity to disprove their claims.

Mr. William also intends to file for legal relief with the Texas Supreme Court alleging procedural irregularities in the case ruled upon by the Third Court. Mr. William alleges that he was not served with copies of the petition prior to the hearing, that he was given insufficient time to prepare a proper response and that the case should have been properly heard in a lower court before being elevated to a court of appeals. Mr. William was notified of a hearing to be held at noon on Friday August 30th by telephone at 3:35 PM on Thursday. While his response was delivered 169 miles by personal courier to the court at 11:11 AM, the court order mentions nothing to indicate that his response was heard. The hearing, the publication of the court order and the service of the order took less than 3 ½ hours, which leads one to wonder if the outcome was premeditated.

While legal avenues exist to restore his candidacy, Mr. William will continue to actively campaign for office. Mr. William's purpose in seeking office was to oppose occupational licensure, expose the Texas State Bar as an illegal, state-sponsored monopoly and to challenge the restriction on access to public office that requires a candidate for Chief Justice to be licensed to practice law and restricts the right of Texas voters to a candidate pre-approved by the Texas State Bar. His purpose has not changed.

Clifford F. William for Chief Justice Texas Supreme Court  
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