

NO. 03-18320

FILED

2006 SEP 13 PM 2:35

| IN THE INTEREST OF
ADDYSON ROSENTHAL
A CHILD

§
§
§
§
§

IN THE DISTRICT COURT
JIM HAMILTON
DISTRICT CLERK
301 JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS
DEPUTY

MOTION TO RECUSE JUDGES

This Motion to Recuse is brought by JANAY BENDER ROSENTHAL (hereinafter referred to as Movant or "JANAY"), who shows the following in support thereof:

I. Introduction

1. This matter is a Suit Affecting the Parent-Child Relationship (SAPCR). JANAY is the mother of ADDYSON ROSENTHAL. Until she was 5 1/2 years of age, ADDYSON was scarcely away from her mother for a single day. Since June 28, 2005, ADDYSON and her mother have had very limited contact: ADDYSON, now 6 years old, has not seen her mother since September 2005. Almost inexplicably, ADDYSON was taken from her mother after disclosing details of sexual abuse by her father, JAMIE ROSENTHAL, who then immediately moved for sole custody. Throughout the proceedings in this case, ADDYSON's outcries have gone virtually uninvestigated, have been completely unreported by various professionals, and are still unresolved, yet JAMIE ROSENTHAL now has sole custody of ADDYSON – a ruling that is currently on appeal to the Fifth Court of Appeals.

2. **Movant seeks to recuse Judge Susan Rankin (JUDGE RANKIN), and Administrative Judge John Ovard (JUDGE OVARD)** for the reasons set forth herein.

3. Based on the animosity this filing will almost certainly engender in other Dallas County Judges, by calling into question the impartiality of two (2) of their colleagues, **Movant**

respectfully requests that a Special Judge be assigned from outside of Dallas County and with no past connection to any of these judges.

II. Grounds for Recusal

4. Without marshalling all of her evidence here, Movant would assert numerous grounds for recusal. Some of these grounds were set forth in JANAY's previous two Motions to Recuse, and certain of these prior grounds, as to JUDGE RANKIN, will be (re)stated briefly below.

A. ADMINISTRATIVE JUDGE JOHN OVARD

5. JANAY's two prior motions for recusal were summarily denied by Administrative Judge John Ovard without setting a hearing or allowing Movant an opportunity to present any evidence or testimony on either motion. Note that JUDGE OVARD actually issued an improper denial three (3) times: the first recusal motion was filed, then amended, and both the original motion and the amendment were denied; the second motion was also denied without a hearing. See Prior Orders of JUDGE OVARD, attached hereto as **Exhibit A**.

6. JUDGE OVARD's previous actions were in clear violation of TRCP18a(d), mandating that the administrative judge shall set a hearing and notify the parties. For this reason, Movant seeks to recuse JUDGE OVARD from hearing or considering this motion to recuse in any way. **Movant, Janay Bender Rosenthal again demands a hearing as is required by TRCP 18 a(d)**. The actions of JUDGE OVARD contradict not only the Rules of Civil Procedure, but also his Judicial Profile, which states that "Judge Ovard assigns judges to hear motions to recuse or disqualify filed against a judge presiding over any case in the region." See **Exhibit B**, true and correct copy of JUDGE OVARD's "Judicial Profile."

B. PRESIDING JUDGE SUSAN RANKIN

7. As set forth above, JANAY previously filed two motions to recuse JUDGE RANKIN; these motions were denied in violation of the Texas Rules of Civil Procedure. Now, the impartiality of presiding Judge Susan Rankin is called further into question due to JUDGE RANKIN's recent and/or continuing misrepresentation (in her campaign materials and elsewhere) that she is a "former psychologist," and JANAY's exposure of this false claim. See **Exhibit C**, true and correct copy of JANAY's complaint filed with Texas State Board of Examiners of Psychologists (TSBEP), including attachments evidencing JUDGE RANKIN's continuous and repeated references to herself as a "psychologist." See also **Exhibit D**, "Cease and Desist" letter sent to JUDGE RANKIN advising of the complaint and identifying JANAY as the complainant. This false representation by JUDGE RANKIN that she was ever a psychologist, together with JANAY's actions adverse to JUDGE RANKIN, adds to the already sufficient grounds for her recusal from this case.

III. Summary of Argument

8. MOVANT would show that JUDGE RANKIN's impartiality might reasonably be questioned, in addition to the impartiality and/or apparent failure of JUDGE OVARD to follow the law. With regard to each of these Judges, they have shown either a bias towards Movant or demonstrated an inability to fairly and evenly apply the law to the facts of this case. In the case of JUDGE RANKIN, her false statements that she was a psychologist have been exposed and partially corrected due solely to the actions of JANAY. If JUDGE OVARD considers this recusal motion, it is very likely that it will also be summarily dismissed, clearly in error and against the law. See TRCP 18a(d).

IV. Argument and Authorities

9. MOVANT files this pleading under the authority of TRCP 18a and TRCP 18b. In the event that JUDGE RANKIN still refuses to recuse herself, **MOVANT again demands a hearing and notice to her attorney as required by the Rules of Civil Procedure.** *Id.* MOVANT also relies upon the following legal authority and case law precedent in support of her motion.

10. **Impartiality Essential to Fair Trial.** All judges have the duty to sit and decide matters brought before them unless there is a basis for disqualification or recusal. See *Rogers v. Bradley*, 909 S.W. 2d 872, 909 (Tex.1995); *Sun Oil Co. v. Whitaker*, 483 S.W.2d 808, 823--24 (Tex.1972); TEX.CODE JUD.CONDUCT, Canon 3, pt. 3(B)(1) (1974), *reprinted in* TEX.GOV'T CODE, tit. 2, subtit. G.App. *A judge shall recuse himself when his impartiality might reasonably be questioned.* TEX.R.CIV.P. 18b(2)(a) (*emphasis added*).

11. **Constitutional Rights to a Fair Trial.** The parties have a right to a fair trial under both the United States Constitution and the Texas Constitution. See *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955) (holding that "[a] fair trial in a fair tribunal is a basic requirement of due process"); *Babcock v. Northwest Memorial Hosp.*, 767 S.W.2d 705, 708 (Tex.1989) (holding that, "[i]n Texas, the right to a fair and impartial trial is guaranteed by the Constitution"). In Texas, part of the right to a fair and impartial trial is also secured by statute. See TEX.GOV'T CODE ANN. § 62.105 (Vernon 1988). One of the most fundamental components of a fair trial is "a neutral and detached judge." *Ward v. Village of Monroeville*, 409 U.S. 57, 62, 93 S.Ct. 80, 84, 34 L.Ed.2d 267 (1972). A judge should be fair and impartial and not act as an advocate for any party. *Delaporte v. Preston Square, Inc.*, 680 S.W.2d 561, 563 (Tex.App.---Dallas 1984, writ *refd n.r.e.*). A judge should not be any party's adversary. *Ex parte Finn*, 615 S.W.2d 293, 296

(Tex.Civ.App.---Dallas 1981, no writ); see *Delaporte*, 680 S.W.2d at 563.

12. **Public Policy demands impartiality and forbids even the appearance of impropriety.** The impartiality of a judge is not only a matter of constitutional law, but of public policy, as well. Public policy and equity demand that a judge who tries a case act with absolute impartiality. It is essential to preserving the public's trust that a judge appear to be impartial so that no doubts or suspicions exist as to the fairness or the integrity of the court. Judicial decisions rendered under circumstances that suggest bias, prejudice or favoritism undermine the integrity of the courts, breed skepticism and mistrust, and thwart the principles on which the judicial system is based. *CNA Ins. Co. v. Scheffey*, 828 S.W.2d 785, 792 (Tex. App.---Texarkana 1992, writ denied) (citations omitted). See also *Metzger v. Sebek*, 892 S.W.2d 20, 37 (Tex. App.--Houston [1st Dist.] 1994, writ denied).

13. **Judge Rankin has not acted as an impartial referee in the past.** As explained above and in JANAY's previous two Motions to Recuse, JUDGE RANKIN has demonstrated a clear bias against JANAY, exhibited unequal and unfair treatment towards JANAY, predetermined the merits of this case, deprived JANAY of the right to cross-examination, and - at the very least - created the appearance of impropriety. The judge's rulings and certain statements on and off the record amount to apparent, if not actual, impropriety. (Note: MOVANT asks this court to take Judicial Notice under TRE 201 of the prior evidence on file herein, and only brief reference is made here for the sake of brevity; furthermore, the following examples are meant to be illustrative, not exhaustive).

13.1. For example, JUDGE RANKIN:

- ordered the withdrawal of JANAY's prior counsel within 30 days of trial, in direct violation of the local rules of Dallas County family courts (see Ex. A & B in 1st

Motion to Recuse, filed January 31, 2006, in Cause No. 03-18320);

- held JANAY, when *Pro Se*, to higher standards than opposing counsel with regard to attending phone hearings and the ability to proceed informally (see 1st Motion to Recuse);
- denied JANAY an opportunity to cross-examine witnesses on key issues which JUDGE RANKIN had unilaterally and impermissibly determined (see prior motions to recuse);
- denied the jury an opportunity to evaluate witnesses on key issues which JUDGE RANKIN had unilaterally and impermissibly determined (see prior motions to recuse);
- accepted \$1,500 in campaign contributions from opposing counsel and \$750 from the Amicus Attorney whose recommendations were adverse to JANAY and ADDYSON;
- appointed an Amicus Attorney who serves on her campaign re-election committee;
- prohibited testimony or reports from any of JANAY's experts;
- effectively "gutted" JANAY's case by crippling her ability to produce or even cross-examine witnesses; e.g., when JUDGE RANKIN disallowed any significant questioning of John Zervopoulos, PhD, regarding his qualifications to assess sexual abuse;
- denied JANAY's chosen counsel, national child abuse expert and attorney Richard Ducote, the right to appear pro hac vice or even to sit in the courtroom as a consultant;
- refused to instruct the jury on the presumption against placement or custody based on a history of domestic violence, despite evidence that JAMIE ROSENTHAL admitted himself to a batterer's intervention program (BIP);
- refused, and continues to refuse, to hear an emergency motion for temporary orders timely filed by JANAY.

Judge Rankin's impartiality, and certain qualifications, are in doubt.

14. The situation giving rise to this motion arose when JANAY reviewed JUDGE RANKIN's credentials on the Texas Bar website, where she found a plausible explanation for

seemingly arbitrary rulings – JUDGE RANKIN listed, among her stated qualifications, that she was a “former psychologist.” This provides a possible explanation for JUDGE RANKIN’s ability or willingness to make decisions wholly contrary to the professional psychological testimony in this case; JUDGE RANKIN, thinking of herself as a ‘psychologist,’ may well have substituted her own judgment or felt herself qualified to make decisions better left to psychological professionals.

15. JUDGE RANKIN presumably had expertise sufficient to render her own psychological evaluations of ADDYSON, JAMIE AND JANAY. This might also explain how or why JUDGE RANKIN could purport to know things such as “JAMIE is not an abuser” and that “this is not a case of sexual abuse.” See, e.g., transcript excerpt of October 7, 2005 hearing, a true and correct copy of which is attached hereto as **Exhibit E**. MOVANT also asks that this court take Judicial Notice of these and other similarly prejudicial statements by JUDGE RANKIN which are a matter of record in this cause. See TRE 201.

Judge Rankin’s evaluation of psychological information is also in doubt

16. The grounds for this most recent Motion to Recuse include JUDGE RANKIN’s non-status as a “former psychologist,” which can only increase the risk, and indeed the reality, of personal bias concerning JANAY. Briefly, JANAY discovered that JUDGE RANKIN falsely represented to the public and to the bar that she was a “former psychologist;” the state board of psychological examiners then issued a “cease and desist” letter, forcing JUDGE RANKIN to remove any reference to herself as a psychologist. See **Exhibits C & D**, true and correct copies of Complaint to psychology board and Cease and Desist letter. In addition to the obvious embarrassment of being caught in an apparent attempt to mislead the voting public, JUDGE RANKIN’s false statement that she was a psychologist is very concerning, especially when she must determine and assess the qualifications,

credibility and recommendations of mental health professionals in her court, as was done in this case.

Further, JUDGE RANKIN's draconian remedy in this case, to remove a child from her mother when sexual abuse is in doubt, is of grave concern as it lacks a basis in the evidence. See Final Decree of Divorce and Custody Order, signed April 12, 2006 and on file herein.

17. As set forth in JANAY's two previous Motions to Recuse, JUDGE RANKIN expressed bias towards JANAY and predetermined and prejudged key issues essential to the merits of JANAY's case; this bias has been manifest in numerous ways. For example, JUDGE RANKIN unilaterally and prematurely determined in open court that JAMIE ROSENTHAL is/was not abusive, despite overwhelming medical and psychological evidence to the contrary; she found that JANAY was an unfit mother; she has terminated JANAY's parental rights, with no justification and against the opinion testimony and recommendations of her own court-appointed experts; she stated to counsel that she did "not believe a single word JANAY says." See **Exhibit F**, true and correct copy of Affidavit of Thomas H. Burton, III. Then, after declaring that JANAY had no credibility in her court on any matter, JUDGE RANKIN then purported to judge her credibility in an indigence hearing. Id.

J. RANKIN was never a Psychologist

18. To substantiate JUDGE RANKIN's (false) representation that she was an expert capable of making the fact finding decisions otherwise reserved to professionally trained and board certified psychologists, JANAY contacted the Texas State Board of Examiners of Psychologists (TSBEP). See **Exhibit C**. The TSBEP advised JANAY that JUDGE RANKIN was not now, nor had she ever been, a Psychologist; the TSBEP further advised that the complaint would be forwarded to JUDGE RANKIN who would know the source of the complaint and the identity of the

complainant, JANAY. The TSBEP then issued a “Cease and Desist” letter to JUDGE RANKIN, concerning “the misuse of the term ‘Psychologist.’” See **Exhibit D**. JANAY exposed the fact that stated credentials on JUDGE RANKIN’s profile were false and misleading (her entire basis that she was a “former psychologist” is apparently that she earned a degree in psychology). Following the complaint and the Cease and Desist letter, JUDGE RANKIN’s profile on the Texas Bar website was promptly altered to omit every representation made regarding her status as a “former psychologist.” At present, JUDGE RANKIN has yet to issue retraction letters to clarify her false claims in her campaign letters.

JANAY exposed J. RANKIN’s false statements about her credentials

19. When someone is publicly caught in a mistatement or a compromising position, it is human nature to be angry, upset, embarrassed or to take vindictive actions towards the “whistleblower” that exposed the error. Such is the situation here, and JUDGE RANKIN is certainly in a position to cause further, irreparable harm to JANAY, as the mother of ADDYSON, whose parental rights have already been *de facto* terminated. This will also result in permanent harm to ADDYSON and offend the interests of a society that shuns child abuse and protects its youth. In addition, JUDGE RANKIN’s self-imposed title of psychologist is concerning because it leaves doubt about her ability to limit her rulings to those of an impartial judge.

Apparent and actual bias require recusal

20. As shown in JANAY’s previous Motions to Recuse, JUDGE RANKIN has already exhibited bias and prejudice against her. The recent developments in the relationship between JANAY and JUDGE RANKIN only exacerbate the situation. Even if JANAY’s previous two Motions to Recuse did not expose judicial partiality or the appearance of impropriety - although

JANAY was never afforded the right to a hearing under TRCP 18(a)(d) - now JUDGE RANKIN's impartiality might reasonably be questioned. TEX.R.CIV.P. 18b(2)(a) commands that a judge shall recuse herself when her impartiality might reasonably be questioned. JUDGE RANKIN's recusal, whether by her own action or by judicial fiat, is the only option.

21. JUDGE RANKIN's recusal is required to avoid the appearance of impropriety in this case. The risk of further, irreparable harm to JANAY and ADDYSON, outweighs the minimal inconvenience that will occur as a result of recusal.

V. Evidence in Support of Recusal Motion

- Exhibit A** Orders of JUDGE OVARD denying prior recusal motions without a hearing;
- Exhibit B** Judicial Profile of JUDGE OVARD from Dallas County website;
- Exhibit C** Complaint filed with Texas State Board of Examiners of Psychologists;
- Exhibit D** Cease and Desist" letter sent to JUDGE RANKIN;
- Exhibit E** Transcript excerpt from October 7, 2005 hearing;
- Exhibit F** Affidavit of Thomas H. Burton, III; and
- Exhibit G** Affidavit of Janay Bender Rosenthal.

22. In addition to the evidence attached hereto, JANAY and her counsel intend to present additional, live evidence in this matter. As with her prior motions to recuse, JANAY has also requested a hearing on this motion in order that her counsel might elicit testimony at said hearing.

VI. Conclusion

23. JUDGE RANKIN's, and JUDGE OVARD's impartiality might reasonably be questioned in this case; however, the appearance of impropriety alone dictates that these Judges

recuse themselves from any prior part in these proceedings. Further, and in the alternative, there is a very real perception and well-founded fear by JANAY that she cannot obtain justice in this case. Accordingly, JUDGE RANKIN, ASSOC. and JUDGE OVARD should step down and turn this case over to (an)other judge(s) whose impartiality might not reasonably be questioned.

VII. Prayer

24. WHEREFORE, PREMISES CONSIDERED, Janay Bender Rosenthal, MOVANT, prays that JUDGE RANKIN and JUDGE OVARD remove themselves from these proceedings, and that unless they will immediately and voluntarily recuse themselves from this matter, a hearing be held on this matter before another Judge, and that the matter be referred immediately by JUDGE RANKIN and that she be cited to appear and give testimony at said hearing.

25. MOVANT prays that the Court grant the Motion to Recuse Judges, and assign this matter to another member of the judiciary from outside of Dallas County, to be selected by special assignment.

26. MOVANT JANAY BENDER ROSENTHAL prays for all other and further relief to which she may be entitled, whether at law or in equity.

Respectfully submitted,

JUSTICE FOR CHILDREN
2600 Southwest Freeway, Suite 806
Houston, Texas 77098
Tel. (713) 225-4357
Fax (713) 225-2818

By: Tom Burton
Thomas H. Burton, III
General Counsel
State Bar No. 24009927
Attorney for Plaintiff, JANAY BENDER
ROSENTHAL

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on September 19, 2006.

Tom Burton
Thomas H. Burton, III
Attorney for MOVANT, JANAY BENDER
ROSENTHAL

EXHIBIT "A"

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(ORIGINAL)

NO. 03-18230

FILED

2006 FEB -2 PM 5:56

IN THE INTEREST OF
ADDYSON ROSENTHAL
A CHILD

301ST JUDICIAL DISTRICT

IN THE DISTRICT COURT OF HAMLIN
DISTRICT CLERK
DALLAS CO., TEXAS
301ST JUDICIAL DISTRICT
DEPUTY
DALLAS COUNTY, TEXAS

AMENDED MOTION TO RECUSE JUDGE

This Amended Motion to Recuse Judge is brought by Janay Rosenthal, Movant, who shows in support the following:

1.

A Motion to Recuse Judge was originally filed on February 1, 2006, a copy of which is attached hereto and incorporated into this motion as if fully restated herein. At the time of filing, the verification/affidavit page was inadvertently left off the original filing. Movant files this Amended motion, attaching the verification/affidavit page, for filing with the Court.

Denise
Judge Janay Rosenthal
Feb 3, 2006

Respectfully Submitted,

Janay Rosenthal
Petitioner Pro Se
7900 Churchill Way, Apt. 7-303
Dallas, Texas 75251
(972) 788-1850 (tel. & fax)

By: *Janay Rosenthal*
Janay Rosenthal
Pro Se

5025.
000151

Cause No. 03-18230

IN THE INTEREST OF
ADDYSON ROSENTHAL
A CHILD

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

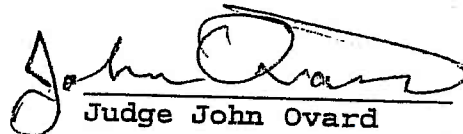
ORDER

After due consideration of the allegations in the Motion to Recuse Presiding Judge Susan Rankin filed the 5th day of May at 4:26pm, it is determined by the Regional Presiding Judge that the Motion fails in that the motion is untimely filed and lacks new meritorious grounds to warrant a hearing.

Consequently the Motion to Recuse is hereby DENIED.

IT IS SO ORDERED.

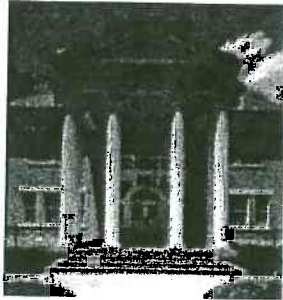
SIGNED this 8th day of May, 2006.


Judge John Ovard

SCANNED

447

EXHIBIT "B"



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Judicial Profiles

Judicial Profile

First Administrative Judicial Region
Justice John Roach



Judge John Ovard was recently appointed by Governor Bush to be the Presiding Judge of the First Administrative Judicial Region of Texas. This is the second time judge Ovard has been called on to serve in that office. He also served as presiding judge from 1982 to 1986, while he was judge of the 265th Judicial District Court in Dallas County. Judge Ovard served as a district judge from 1979-1988. Before his current appointment as the presiding judge, Judge Ovard was Justice Ovard of the 5th District Court of Appeals in Dallas, where he served from 1989 until July 31 of this year. Judge Ovard now presides over a region of 34 Texas counties, including Dallas and Collin counties. He assigns visiting judges to the 120 trial courts in the region from a group of about 60 former and retired judges available for assignment. Judge Ovard says that balancing the needs of the trial courts with the desires and capabilities of the judges available for assignment is, to put it delicately, "interesting." He is also responsible for assigning active district judges to hear pretrial proceedings in certain cases as provided in rule 11 of the Rules of Judicial Administration. Judge Ovard assigns judges to hear motions to recuse or disqualify filed against a judge presiding over any case in the region, and he appoints and supervises all of the masters in the region who hear child support arrearage cases arising under Title IV-D of the Social Security Act, (cases brought by the attorney general to collect delinquent child support). He can also preside in any case in the region without being subject to an objection to an assigned judge under Chapter 74 of the Texas Government Code. He has many other statutory duties, and the authority to carry them out, in a part of Texas that is both large and diverse. The job presents the kind of challenge that Judge Ovard relishes. Between 1969 and 1978, Judge Ovard was an assistant district attorney in Dallas County for the legendary Henry Wade. As an assistant district attorney, Judge Ovard tried over 300 jury trials, was named by Mr. Wade as a chief felony prosecutor and was promoted to head the Career Criminal Division of the Dallas County District Attorney's Office. Judge Ovard earned his undergraduate degree and his law degree from the University of Texas. He has trained as a mediator and has attended various

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Dallas Bar Association

EXHIBIT "C"



TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

333 Guadalupe - Suite 2-450
Austin, Texas 78701
Investigations: (512) 305-7709

COMPLAINT FORM

Date Rec'd:
Case Number:
ID Number:
License Number:

Please fill out this form completely. Use black ink; print or type clearly.

Please note that the Board only has the authority to investigate its licensees or unlicensed persons claiming to provide psychological services.

The Board licenses: Psychologists, Provisionally Licensed Psychologists, Psychological Associates, and Licensed Specialists in School Psychology.

Date: June 06, 2006

Your Full Name: Janay Bender Rosenthal	Your Address (Street): 7862 La Cabeza
Contact Telephone #: 469.877.2633	Your (City, State, Zip): Dallas, TX 75248
Licensee Involved: N/A	Name: Address: City, State, Zip:
Office Telephone #: 214 653-7385	
Additional Licensee Involved (if applicable): N/A	Name: Address: City, State, Zip:
Unlicensed Person Claiming to Provide Psychological Services:	
Name: Judge Susan Amanda Rankin	
Address: 203 Lake Ridge Village #214 OR 301st District Court George L. Allen, Sr. Courts Bldg. 600 Commerce St., # 340	City, State, Zip: Dallas, TX 75238 Dallas, Texas 75202

Conduct being reported:

District Court **Judge Susan Amanda Rankin** of the Dallas Family 301st Court is misrepresenting to the public, that she was once a psychologist. She has never been a licensed psychologist in the state of Texas nor any state to my knowledge.

Judge Susan A. Rankin is making the following false and misleading statements:

1.) On the **Dallas Bar Website** (see attachment A), under *Judicial Profiles*, Judge Susan Rankin states: "I think my background as a psychologist, as well as the fact that I have testified as an expert witness..."

<http://www.dallasbar.org/judiciary/profiles.asp?item=38>

2.) On her **own Judicial letter head** (see attachment B), Judge Susan Rankin sent out a Political Advertisement inviting people to a fundraiser in which she states: "As a former psychologist, I am acutely aware of the special needs in our court system".

3.) On the Official Judge Susan Rankin Election Campaign Website (see attachment C):

- a.) Under *Professional Activities*, it says she is an **Expert Psychological Witness for Termination Cases.**
- b.) Under *Author and Lecturer* it says she was a **Panelist at an Advanced Expert Witness Course on Psychological Testing & Diagnosis.**
- c.) Under *Author and Lecturer* it says she was the **Author and Speaker** at an Advanced Family Law Course on **Social and Psychological Studies.**

http://www.judgesusanrankin.com/meet_the_judge.htm

4.) In February 2006 at the Dallas Bar Association Family Law Bench Bar, Judge Susan Rankin stated to 310 people her credentials, which included that she was a "psychologist".

It has been brought to my attention that the above representations made by District Court Judge Susan A. Rankin of the 301st are in direct violation of the Texas Ethics Code, Section 255.005 (a), Title 15-Election Code, "Misrepresentation of Identity".

Please enclose any additional documentation that will support your allegations. Court documents, including transcripts, reports, depositions, etc., that are the basis of a complaint must be provided before an investigation may proceed.

I understand that by filing this complaint, I am giving the Board permission to inquire into information that is normally held confidential between myself and the licensee.

Complainant's Signature

June 6, 2006
Date

Mail to:

Texas State Board of Examiners of Psychologists
333 Guadalupe · Suite 2-450
Austin, Texas 78701

Complaint form - June 10, 2002



Dallas Bar Association

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Judicial Profiles

Judicial Profile

301st District Court
Tom Nicol



Be consistent, compassionate, respectful and understanding. A wise person gave that advice to Judge Susan Rankin as she ascended to the bench on January 13, 1997. It is written on a small piece of paper she keeps on her desk. "I try to live by that," she commented. It's a formula that works well, as anyone who has had the opportunity to practice in front of her can attest. After obtaining her master's degree in psychology at Trinity University and working with juveniles in Bexar County, Judge Rankin felt the tug of law and enrolled in Texas Tech School of Law. Securing an associate's position with Gardere & Wynne L.L.P. in Dallas, she practiced bankruptcy law for a while, but knew that children and families were her passion. She moved to Vial, Hamilton, Koch & Knox L.L.P. to take a position in its family law section and eventually opened her own practice devoting herself to family law. Judge Bob O'Donnell asked her to be his associate judge, and when he decided to step down, she thought: "I better try and get appointed, or the new judge might want to hire someone else!" Judge Rankin said her work experience has prepared her for her job on the bench. "I think my background as a psychologist, as well as the fact that I have testified as an expert witness, really helps me to understand many of the conflicts that come into my court to be resolved." If that is not enough, having a solo practice and practicing with large "downtown" firms gives her perspective on the pressures on the attorneys that appear in front of her. Her understanding doesn't stop with the litigants. When asked whether she had changed since taking the bench, she said, "Of course, everyone changes. The biggest change in me is Amanda." Amanda is Judge Rankin's two-year-old daughter, adopted when Amanda was 1 week old. "She's my pride and joy." Anyone that has had an extended trial in front of Judge Rankin knows when Amanda has to be picked up, whether she is sick and what new facet of life she has conquered. Amanda's photos have come to dominate Judge Rankin's chambers, as her artwork will in the near future. In this area too, Judge Rankin understands when a parent or attorney has to end a hearing by no later than five o'clock to attend a school play or other activity. Respecting the value of time is another one of Judge Rankin's attributes. She appreciates the cost to clients for an appearance at a minor hearing and encourages attorneys to set up a telephone hearing through her coordinator, Kathy Norton. Not only does it save attorneys time and client's money, she acknowledges that it helps to move her docket. Being a single parent also helps Judge Rankin have a better understanding of many of

Presidents' Pages

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Dallas Bar Association
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 4-220-7400
 214-220-7465 (fax)

the issues faced by the litigants in her court. She understands that each parent, during his or her time of possession, will be on "24/7," which she knows from experience is a challenging task. She begins her process of determining custody issues with the philosophy that it is usually best for a child to have two involved parents in his life. In many cases, one parent has always functioned as the primary parent while the other parent worked long hours. Upon separation, many times the employed parent wants to cut back at work because he or she recognizes the value of spending more time with his or her child and the primary parent questions the ability of the other parent to actually meet the needs of the child. Judge Rankin can appreciate the primary parent's anxiety, but believes the child will ultimately benefit from having two attentive parents rather than one. The best interest of the child determines which parent is awarded primary care and not the gender of the parent. Putting others first would seem to put a lot of pressure on the best of us. But Judge Rankin thrives on it. "I'm really lucky to be able to do something every day that doesn't feel like work. Every day I look forward to coming in." She likens her job to solving puzzles or working with good people that need some help resolving their problems. Judge Rankin is no mere bystander in her court. "The judges in Family Courts provide a little more latitude than other district courts." While Judge Rankin will ask questions to clarify a point, she cannot build a lawyer's case. Pro se litigants, as well as seasoned attorneys, have to understand that she has to decide a case based on the evidence presented to her. She is constantly aware that her decisions will be scrutinized by the appellate courts upon request. When asked how she is able to balance her personal life with a professional life, the demands of which are made known daily by attorneys, litigants and colleagues, Judge Rankin freely admits that her staff is the best around. She feels fortunate to have inherited her coordinator, Kathy Norton, and her bailiff, Clayton Evans, from Judge Bob O'Donnell and has had court reporter Tenesa Shaw and first clerk Roberta Williams since she took the bench. Adding Beth Maultsby as associate judge helped to make her court a well oiled machine. "They are fantastic." She recognizes how difficult each of their jobs is and makes sure that everyone knows that her staff members deserve the credit for how well her court runs. By her own words, her staff is kind, considerate and thoughtful. They treat people with respect. When the attorneys and litigants return that respect and consideration, they find that, not only does it make their case go a lot smoother, but it makes their day brighter and their life better. And like the old cliché, Judge Rankin continues to help people make lemonade with the lemons life gives them.

Tom Nicol is a solo practitioner and a member of the DBA's Publication Committee.

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Susan Rankin Support Committee

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- in, Gump, Strauss, Hauer
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- Atkins & O'Toole
- Sylvia Atkins
- Polly O'Toole
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- Janet Brumley
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JUDGE SUSAN A. RANKIN

301ST FAMILY DISTRICT COURT

October 19, 2005

I am pleased to announce my candidacy for re-election as Judge of the 301st Family District Court in November of 2006.

As I approach 10 years as a Judge, I am thankful for your generous and on-going support of my campaigns. Mid-term elections are always difficult to predict and this year I face the very likely threat of an opponent in the general election. I will need your help once again!

On Tuesday, November 15th at Mattitos' Mexican Restaurant from 5:30 – 7:00 pm, a fundraiser will be held to benefit my campaign. I hope you can be there and participate as a Host by selecting on the enclosed reply card which level best fits your budget.

Host levels are: \$2,500, \$1,000, \$500 and \$250. If you will respond by no later than Wednesday, October 26th, we will include you on the printed invitation which will be mailed the beginning of November.

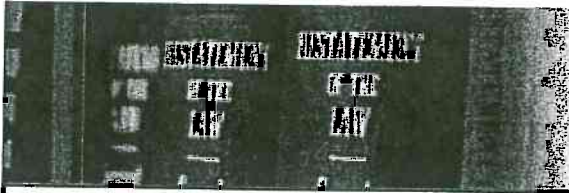
There is no better job than helping families and children in our Dallas County District Courts. Coming to work everyday is a pleasure and my passion as I work to make decisions which will impact lives in a positive way.

As a Mother and a former psychologist, I am acutely aware of the special needs in our court system for children and families. I strive to provide a professional but compassionate courtroom where good decisions are made in the best interest of all who appear before me.

I hope I can count on you to help ensure my re-election. My work is not complete and only with your help can I hope to serve again. Thank you so much and I look forward to seeing you at Mattito's on the 15th of November. Please call Cynthia Wiedeman at 214/749-4792 or cwied@sbcglobal.net if you need information.

Sincerely,

Susan Rankin



JUDGE SUSAN RANKIN

For Dallas Families

Meet the Judge

- Home
- Meet the Judge
- In the Community
- Join TeamRankin
- Endorsements
- Contribute to TeamRankin
- Contact TeamRankin
- FAQ's

2006 GENERAL ELECTION NEWS

September 8, 2006
First day to receive applications for ballots by mail.

September 23, 2006
First day to mail ballots to voters

October 10, 2006
Last day to register to vote in this election

October 23, 2006
First day to vote early in this election

October 31, 2006
Last day to receive applications for ballots by mail

November 3, 2006
Last day to vote early in person in this election

November 7, 2006
ELECTION DAY!

Early Voting Dates and Times

JUDGE SUSAN RANKIN
301st Family Court
203 Lake Ridge Village #214
Dallas, Texas 75238

EDUCATION

J.D. Texas Tech University
School of Law - 1985
M.S. Trinity University, Clinical
Psychology - 1978
B.S. Southern Methodist
University, Psychology - 1976

LICENSES AND TRAINING

Child Custody and Domestic
Violence Institute - Technical
Assistance Collaborative
Addressing Domestic Violence
and Child Custody - 2005

National Judicial Institute on
Domestic Violence - Enhancing
Judicial Skills In Supervised
Visitation and Safe Exchange -
2004

Settlement Consultants, Inc. -
General Civil Law and Family Law
Mediation Training - 1992

Board Certified - Texas Family
Law, Texas Board of Legal
Specialization - 1992

Texas Psychological Association -
Psychological Associate
Certification - 1979

EMPLOYMENT

District Judge - 301st Family
District Court - 1997 to present

Associate Judge - 301st Family
District Court - 1994 to 1997

Assistant General Counsel - State
Bar of Texas - 1993 to 1994



October 12 (Monday - Friday) 8:00 a.m. to 5:00 p.m.

October 28 (Saturday) 7:00 a.m. to 7:00 p.m.

October 29 (Sunday) 1:00 p.m. to 6:00 p.m.

October 30 (Monday-Friday) Nov 3 7:00 a.m. to 7:00 p.m.

Private Practice - 1991 to 1993
Vial Hamilton Koch & Knox Associate - 1987 to 1991
Gardere & Wynne Associate - 1985 to 1987

PROFESSIONAL ACTIVITIES

Expert Psychological Witness for Termination Cases

Dallas Bar Association - Family Law Section - Former Member Board of Directors

Advisory Board FLP Supervision Center

Strathmore Who's Who in America

Dallas Bar Foundation

Texas Family Law Foundation

Mac Taylor Inn of Court

National Council for Juvenile and Family Law Judges

Texas Academy of Family Law Specialists

COMMUNITY ACTIVITIES

Current:

Suicide and Crisis Center Advisory Board

Member Edna Gladney Family Association

Member Merriman Park Elementary PTA

Member Highland Park Presbyterian Church - volunteer Vacation Bible School

Greater Dallas Hispanic Chamber of Commerce

Prior:

Dallas Junior League member

Parkland Hospital ER volunteer

Parkland Hospital OB/GYN ER

Music Therapy Volunteer

Habitat for Humanity Volunteer

Ronald McDonald House Volunteer

Executive Board of Ronald McDonald House

REPUBLICAN ACTIVITIES

Member Park Cities Republican Club

Member White Rock Republican Club

Victory 2004 Volunteer

AUTHOR AND LECTURER

Panelist, The Fifth Annual ACR Judge's Panel, The Association for Conflict Resolution, Dallas, Tx., September 2005.

Speaker, Pro Bono & Family Law, Dallas Bar Association, Dallas, Tx., June 2005.

Panelist, A Practical Guide to the Court-Appointed Representation of Children in Family Law Cases, Dallas Bar Association Family Law Section, Dallas, Texas, January 2005.

Speaker, Economic Contribution and Relocation, TAFLS Trial Institute, New Orleans, La., January 2005.

Speaker, Family Violence and Possession, Dallas Family Court Services Training, Dallas, Tx., November 2004.

Speaker, Ramifications of Affirmative Findings of Family Violence, North Texas Legal Services, Dallas, TX., August 2004.

Speaker, Grandparent Access, August 2004.

Co-Author and Speaker, Ramifications of Affirmative Findings of Family Violence, Family Violence Conference, Texas Center for the Judiciary, Galveston, TX., March 2004.

Panelist, High Conflict Families: Methods Founded in Therapeutic Jurisprudence, AFCC Conference, Dallas, TX., October 2003.

Speaker, Predicates and Objections: Rapid-fire Offers and Rulings, TAFLS Trial Institute Cancun, January 2003.

Author and Speaker, Trying the Complicated Temporary Order, etc., Advanced Family Law Course, State Bar of Texas, August 2002.

Panelist, District Judges Panel: 10 Bad Things That Good Lawyers Do, Family Law On the Front Lines, University of Texas School of Law, Galveston, Tx., April 2002.

Speaker, Tips and Examples For More Effective Presentation of Expert Testimony, Advanced Expert Witness Course, State Bar of Texas, Dallas, Tx., February 2002.

Panelist, Panel Discussion on Mental Health Experts, Panel Discussion on the Tracing Expert, Daubert Prove-up of Psychological Testing & Diagnosis, Advanced Expert Witness Course, State Bar of Texas, February 2001.

Speaker, Relocation of Children: Legal Issues and Mental Health Evidence, State Bar of Texas Telephone CLE, January 2000.

Speaker, Discovery Rules, A Discussion & Analysis of the New Rules of Discovery, 25th Advanced Family Law Course, State Bar of Texas, August 1999.

Panelist, Living in Dangerous Times: Family Violence etc, Assoc. Judge/IV-D Master's Seminar, State Bar of Texas, August 1999.

Panelist, Impact of the New Rules of Discovery, etc., State Bar of Texas, 1999.

Co-Author and Speaker, Rebutting the JMC

Presumption-What the Judge Must Hear, 24th Advanced Family Law Course, State Bar of Texas, 1998.

Speaker & Panelist, Discovery Update, 23rd Advanced Family Law Course, State Bar of Texas, August 1997.

Speaker, Settlement Agreement Enforcement & Your Ethical Problems, 20th Annual Marriage Dissolution, State Bar of Texas, 1997.

Panelist and Lecturer, Relocation Issues and the Texas Family Code, Dallas Bar Assoc. Family Law Bench Bar, 1997.

Speaker, Expectation of Experts - Bench Perspective, Dallas County American Society of Appraisers, 1996.

Speaker, Discovery Update, 22nd Annual Advanced Family Law Course, State Bar of Texas, August 1996.

Speaker, Putting Power in Your Pen: Effective Drafting Techniques - Family Law (A Practitioner's Perspective) (A View from the Bench), Annual Meeting of the Legal Assistants Division of the State Bar of Texas, 1996.

Panelist and Lecturer, Dallas Bar Assoc. Family Law Bench Bar, 1996.

Author and Speaker, Social and Psychological Studies, Advanced Family Law Course for Legal Assistants, State Bar of Texas, 1996.

Author and Speaker, Part Two: Securing Alimony and Enforcement, Family Law Practice

After the New Legislation,
University of Houston Law
Foundation, 1996.

Co-Author, Attorney Guide to
Family Court Services, assisted in
preparation with Linda Hahn,
1995.

Speaker, Legislative Changes,
Irving Bar Association Family Law
Section, 1995.

Speaker, Objective Assessment
Techniques and Judicial
Decision-Making in Custody
Evaluations, Co-speaker with Dr.
Jeffrey C. Siegel, Texas
Psychological Association Annual
Convention, 1994.

Speaker, The Changing Role of
the Psychologist in Child Custody
Determinations, Co-speaker with
Dr. Jeffrey C. Siegel and Cynthia
Pladziewicz, J.D., Texas
Psychological Association Annual
Convention, 1994.

Speaker, Temporary Hearings,
Dallas County Pro Bono Project,
1994.

**Paid for by Judge Susan Rankin Campaign,
Brett Ringle, Treasurer.
In compliance with the voluntary limits of
the Judicial Campaign Act and the Fair
Campaign Practices Act**

WAIVER FORM

I, **Janay Bender Rosenthal** (Complainant's Name), give permission to the Texas State Board of Examiners of Psychologists to release and reveal my identity, as a person who filed the complaint, to **Judge Susan Amanda Rankin** the subject of the complaint, and other (Psychologist's Name) persons during the course of the agency's investigation and/or prosecution of my complaint.


Signature

6.6.06
Date

Authorization for Release of Information to the TX State Board of Examiners of Psychologists

I do not think this form applies to me.

However, to ensure that my complaint is not held up, I decided to fill it out.

- Judge Susan Rankin is not a "licensee" as she has never been licensed.

- I am not a patient. I am the Complainant.

(1) I hereby authorize **Judge Susan Amanda Rankin** (licensee's name) to disclose my individually identifiable health information as described below, which may include psychotherapy notes. I understand that this authorization is voluntary and that I may refuse to sign this authorization. I further understand that my health care and the payment for my health care will not be affected if I do not sign this form. I also understand that if I do not sign this form, federal and state law will prohibit **Judge Susan Amanda Rankin** (licensee's name) from voluntarily releasing this information to the Board. **Judge Susan Amanda Rankin** (licensee's name) release of my individually identifiable health information will continue to be protected by federal and state privacy statutes and regulations.

Janay Bender Rosenthal
Patient Name

01-08-73
Date of Birth

460-49-9806
Soc. Sec. Number

(2) Description of the information to be released (check all that apply):

- Therapy Chart
- Billing Records
- Psychotherapy Notes
- Other (please specify)

(3) Description of the purpose of the release: The purpose for this Authorization is to allow the Board to investigate my complaint against **Judge Susan Amanda Rankin** (licensee's name). The information described herein shall be released to:

Texas State Board of Examiners of Psychologists
333 Guadalupe, Tower 2, # 450
Austin, TX 78701

(4) I understand that this authorization will expire by law one year from the date of this authorization unless I otherwise specify. I desire this authorization to be in effect until:

N/A
Expiration Date (optional)

(5) I further understand that I may revoke this authorization at any time by notifying **Judge Susan Amanda Rankin** (licensee's name) in writing at:

203 Lake Ridge Village #214 Dallas, TX 75238

OR

**301st District Court
George L. Allen, Sr. Courts Bldg.
600 Commerce St., # 340 Dallas, Texas 75202 (licensee's address).**

I also understand that the written revocation must be signed and dated with a date that is later than the date on this authorization, as provided below. A revocation will not affect any actions taken before the receipt of the revocation.

JR
Signature of Patient / Representative

6.6.06
Date

N/A
Printed Name of Patient's Representative (if applicable)

Relationship to Patient

(Attach any legal authority documentation to this form, i.e. guardianship, power of attorney.)

NOTE: The Board is not a covered entity as defined by federal government regulations regarding privacy of patient records. The Board is, however, required by state law (Health and Safety Code, Chapter 181) and its own confidentiality statute (Occupations Code, Section 501.205) to protect the privacy of patient health information and to provide this notice. This investigation may require that records be disclosed to Board staff, Board members, other state agencies, the Legislature, the Board's outside experts, and other parties or participants in an administrative hearing or court proceeding regarding your complaint.

EXHIBIT "D"

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



June 13, 2006

CERTIFIED MAIL #7004 2510 0003 8697 4590

Susan Amanda Rankin M.S.
301st District Court Judge
203 Lake Ridge Village #214
Dallas, Texas 75238

RE: Use of title "psychologist"

Dear Judge Rankin:

The Texas State Board of Examiners of Psychologists has received a complaint concerning the above-referenced issue. A copy of the complaint is enclosed.

In the State of Texas, pursuant to the Psychologists' Licensing Act ("Act"), Section 501.002 and 501.003, only a licensed psychologist may use the title of "psychologist." Our records show that from 1979 to 1988 you were a licensed psychological associate. As such, you may refer to your experience as "my background in psychology," but use of the title "psychologist" is not permitted for a psychological associate.

As I'm sure you recall, the licensing process is rigorous and this Office is charged with enforcement of the Act. Therefore, the Board respectfully requests that you edit your judicial profile, campaign letter, and modify any other written or spoken reference to experience as a "psychologist."

Please respond in writing within twenty (20) days of your receipt of this letter. Call with any questions – my direct line is (512) 305-7705.

Sincerely,

A handwritten signature in black ink, appearing to read "D - L. Izzo".

Dianne L. Izzo
General Counsel

Enclosure

MEMBERS OF THE BOARD

Pauline A. Clansy, Ed.D.
Chair
Houston

Gary R. Elkins, Ph.D.
Vice-Chair
Temple

Betty Lou "Penny" Angelo
Midland

Catherine Bernell Estrada, M.Ed.
Fort Worth

Arthur E. Hernandez, Ph.D.
San Antonio

Michael D. Nogueira
Fredericksburg

Ruben Rendon, Jr., M.S.
Dallas

Carl E. Settles, Ph.D.
Killeen

Stephanie Sokolosky, M.P.S.
Wichita Falls

EXHIBIT "E"

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REPORTER'S RECORD
TRIAL COURT CAUSE NO. 03-18320-T

IN THE MATTER OF THE) IN THE 301ST JUDICIAL
MARRIAGE OF)
)
JAMIE ROSENTHAL) DISTRICT COURT OF TEXAS
AND)
JANAY ROSENTHAL)
AND IN THE INTEREST OF)
ADDYSON ROSENTHAL, A)
MINOR CHILD) IN AND FOR DALLAS COUNTY

MOTIONS TO STRIKE PLEADINGS

* * * * *

On the 7th day of ~~October~~ 2005, the above-entitled and
numbered cause came on for trial before the Honorable SUSAN
RANKIN, Judge presiding of the 301st Judicial District Court of
Dallas County, Texas, at which time the following proceedings
were had; to wit:

Proceedings reported by Machine Shorthand.

2

APPEARANCES:

DIANE SNYDER ATTORNEY AT LAW
8222 Douglas Avenue, Ste 670
Dallas, Texas 75225
214-361-8121 214-363-8964, Fax SBOT 18814700
FOR JAMIE ROSENTHAL

DAVID P. HOUSEL ATTORNEY AT LAW
1201 Elm Street, Suite 1700
Dallas, Texas 75270
214-939-4818 214-527-3228, Fax
SBOT 00793985
FOR JANAY ROSENTHAL

SUSAN VRANA ATTORNEY AT LAW
4144 N. Central Expwy, Suite 1200
Dallas, Texas 75204
214-698-8596 214-698-5538, Fax SBOT 17608500, Fax
AMICUS ATTORNEY

1 forensic evaluation of the child. But again, if there is abuse
2 of this child that is a valid --

3 THE COURT: Counsel, you're not listening to
4 the evidence because we've already been over that with Dr.
5 Zervopolous and with Gail Inman and I have unsupervised the
6 father because I find there is no sexual abuse.

7 You can have a setting on your motion for forensic
8 evaluation, I'll tell you what I've heard so far, number one,
9 if there were to be another evaluation, it's totally tainted.
10 We are past that window.

11 Number two, Dr. Zervopolous, I find, did a forensic sexual
12 abuse evaluation. It just didn't go your client's way. She
13 raced the child over during interim the of not being tested by
14 Dr. Zervopolous to various folks who have never said the child
15 is being sexually abused.

16 So you may set that. I'm telling you it's not, we have a
17 forensic sex abuse evaluation. So, yes, that is an issue, and
18 y'all are making it a huge issue, it's been resolved in my
19 mind with the good clinical evidence we've had.

20 MR. HOUSEL: Yes, Your Honor, we would disagree
21 that Dr. Zervopolous performed a sexual, a forensic sexual
22 evaluation.

23 THE COURT: I know that.

24 MR. HOUSEL: We don't believe that he has the
25 qualifications, nor would he have the experience to perform

EXHIBIT "A-1"

EXHIBIT "F"

NO. 03-18320

IN THE INTEREST OF

§ IN THE DISTRICT COURT

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ADDYSON ROSENTHAL

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A CHILD

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301 JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

STATE OF TEXAS §

HARRIS COUNTY §

AFFIDAVIT OF THOMAS H. BURTON, III

Before me, the undersigned notary, on this day personally appeared Thomas H. Burton, III, a person whose identity is known to me. After I administered an oath to him, upon his oath he said:

1. "My name is Thomas H. Burton, III, and I am the attorney of record for Janay Rosenthal, the Petitioner/Appellant in this case. I am over 18 years of age, of sound mind, and capable of making this affidavit. I am a duly licensed attorney by the state bar of Texas, and fully aware of my duties of candor to the bar and the tribunal. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. The purpose of this affidavit is to set forth facts which may assist the court in determining whether Judge Rankin can be objective, or viewed as impartial, in this case.

3. At a meeting in chambers, following trial and immediately before a hearing on opposing counsel's motion for enforcement, Judge Rankin stated that she did not believe anything my client said, especially after she testified at trial that there may be more (audio and/or video) tapes. Her verbatim words were as follows, or substantially similar and identical in meaning: 'I don't believe anything she says. I mean, when she testified that there were more tapes, I mean come on...' Also present in chambers at that time were Rick Wright and Diane Snyder.

4. I am afraid that my client can never get a fair or impartial hearing before Judge Rankin based on these comments as well as her apparent bias against my client prior to that meeting in chambers."

Further, affiant sayeth naught.

Exhibit "A"

Tom Burton

Thomas H. Burton, III

Sworn to and Subscribed before me by Thomas H. Burton, III on May 5th, 2006.

[Signature]

Notary Public in and for the State of Texas

My Commission Expires: 10-5-09

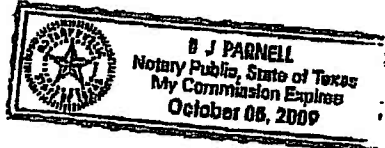


EXHIBIT "G"

CAUSE NO. 03-18320-T

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
ADDYSON ROSENTHAL	§	301 ST JUDICIAL DISTRICT
	§	
A MINOR CHILD	§	DALLAS COUNTY, TEXAS

AFFIDAVIT IN SUPPORT OF TEMPORARY EX PARTE ORDER

JANAY ROSENTHAL appeared in person before me today, and stated under an oath:

"My name is JANAY ROSENTHAL. I am the Petitioner in this case. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am well acquainted with the present environment of the child, Addyson Rosenthal. Jamie Rosenthal is a joint managing conservator of the child. Jamie Rosenthal is the Respondent to this petition to modify the parent-child relationship.

"When Addyson is with her father, I believe the present environment may endanger her physical health or significantly impair her emotional development.

"My former husband, Jamie Rosenthal and I were divorced on or about June 15, 2004. We were appointed joint managing conservators of our daughter, Addyson Rosenthal. I am designated as the joint managing conservator with the exclusive right to designate the residence of Addyson within Dallas County, Texas and contiguous counties. Jamie has possession of Addyson in accordance with the standard possession order in the Texas Family Code.

"I received an outcry from our daughter on or about November 30, 2004. Addyson and I were at home at 7900 Churchill Way, Apartment No. 7303, Dallas, Texas. Addyson told me that she smelled her Dad's butt and it smelled like a swimming pool. She told me that her Dad asked her if she wanted to smell his butt. I was stunned that Addyson would make such a statement. I said in response to her, 'What do you mean you smelled Daddy's bottom' to which she said he pulled his butt cheek open and I smelled it, it smelled good.' Addyson retold her story to me later that evening when my brother, Jon Bender came over to visit us. My concern has grown for Addyson's safety as her behavior has significantly changed. Additionally, considering her previous statements, the factors appeared to indicate that her allegations had substance.

I started to think about other events Addyson related to me in the past. I am requesting the Judge to suspend Jamie's visitation until a determination can be made concerning the allegations made by Addyson.

"On or about November 28, 2004, Addyson came home following her visit with her father. Addyson said her father was changing her underwear and sniffed it, and he said it smelled like strange men had been touching them. Addyson also told me that Jamie will not wash her vagina. Addyson said that Jamie told her, it was her job, however, he will wash her butt.

"On or about February 24, 2004, Addyson came home following a visit with her father. Addyson told me she looked inside Jamie's butt and she sniffed it. Addyson said, 'I used my hands and he let me spread his butt cheeks and it was all pink and red inside.'

"On or about November 2004, Addyson told me that Jamie told her that if she ever lied to him that he would die and not wake up in the morning.

"Addyson's behavior has changed. Addyson is fixated on butts. She tells me butts are great. Addyson keeps trying to touch my behind. I do not understand what is happening to her. Addyson told me 'I love your butt, not Daddy's.' Recently, Addyson has become very secretive. Addyson frequently asks me to keep lots of things a secret, including silly things.

"Jamie tells me and has sent email correspondence to me that what he and Addyson do during his time with her is none of my business.

"Additionally, Addyson has started to wake up at night, and stays awake to talk. Addyson refuses to go to bed unless I go with her.

"Addyson has been compulsively smelling her hands which are uncharacteristic of her. Addyson started smelling her hands around August 2004 while we were in New York after Jamie repeatedly told her that he was going to put me in jail and worsened in mid September after we arrived home. Now Addyson tells me she cannot stop smelling her hands. Additionally, Addyson became agitated while we were in New York because Jamie would call and tell her 'Mommy is going to jail.' Following their phone conversations, she was upset because she thought I was going to jail.

"During our marriage, Jamie had a butt fetish which started after Addyson was born. Initially, Jamie started demonstrating this fetish by inserting things into his behind. Then it

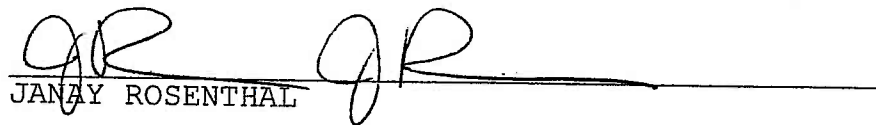
progressed to Jamie inserting dildos into his behind. Then, Jamie started to insert the device into his behind and masturbate in bed while lying next to me. Jamie would do this while I was watching T.V. or reading in bed. His behavior was abhorrent and I could not stand it anymore. He told me that if I did not participate he would get it elsewhere.

"While our divorce was pending, Jamie made two unsupported allegations of child molestation against a friend of Addyson's who is four years old and against a family member, to which he recanted both allegations and apologized.

"I am afraid for the safety of our daughter. Her behavior is becoming more uncharacteristic. I believe that the environment with her father may endanger her physical health or significantly impair her emotional development if she is permitted to have unsupervised visits with her father.

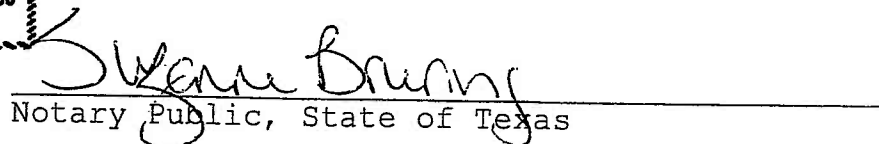
"I believe that an emergency ex parte order suspending visitation should be granted in conformity with the relief requested in "Petition to Modify Parent-Child Relationship. I believe that therapeutic intervention needs to happen as soon as possible to protect Addyson.

"I believe our daughter is in imminent danger if the visitation between Addyson and Jamie is not suspended until a determination is made about Addyson's statements. I believe it is in Addyson's best interest to suspend the visitation."


JANAY ROSENTHAL

SIGNED under oath before me on January 4th,
2005.




Notary Public, State of Texas