

State high court to hear Westlake mayor appeal

By Miles Moffeit and Susan Gill Vardon

Star-Telegram staff writers

Westlake's dueling mayors are headed for a high-court showdown. The Texas Supreme Court will hear oral arguments on whether Scott Bradley was legally ousted as Westlake mayor, bringing a key issue in the small town's dismantling onto the state's most visible legal stage.

In a terse one-sentence order released early yesterday morning, the high court opened the door for a hearing, stating, "The petition for review is granted." No hearing date was set. But the order said each side would have 20 minutes to air arguments in the case, which is part of an avalanche of Westlake litigation.

Attorneys for Westlake called the court's willingness to hear the appeal a breakthrough. Almost everyone in town hopes it will lead to a reversal of the mass disannexations that fragmented Westlake in May.

"This is good news," said attorney Eldridge Goins, who is representing Bradley and Westlake. "If they had denied the petition for review, then our only other chance to try to get relief would have been the Supreme Court of the United States, which would have diminished our chances."

Dale White, who was appointed mayor after Bradley's ouster and signed the disannexations, could not be reached to comment. Repeated telephone calls to his attorneys with the Kelly, Hart & Hallman law firm went unreturned.

State District Judge Bob McGrath ruled in August that Bradley was removed from office in an unconstitutional proceeding, but in November, the 2nd Court of Appeals overturned that decision. Bradley then appealed to the Texas Supreme Court while both men staked claim to the mayor's seat.

"I have believed strongly that the law the court of appeals announced is entirely wrong and bad public policy," Bradley said yesterday.

Bradley and the Board of Aldermen had been locked in a dispute about development plans for Ross Perot Jr.'s Circle T Ranch. On the eve of Bradley's ouster, the aldermen scheduled a meeting to disannex the ranch and some of their own properties.

Yesterday's granting of oral arguments with the Supreme Court, coupled with District Judge Fred Davis' recent ruling that the Circle T Ranch was never legally disannexed, are keeping hopes alive that the town will ultimately be put back together again.

Davis ruled Feb. 13 that the disannexation of the ranch violated state law because it occurred within 90 days of a municipal election and because Westlake was left as "islands" of incorporated land.

"Maybe the big steamroller is running out of gas," said Fred Held, the lone alderman to oppose Bradley's ouster. "Anybody who was there in the kangaroo court would have thoroughly understood the miscarriage of justice. I assume the transcripts will end up in the hands of these judges, who are dedicated to justice and the facts."

Westlake resident Jack Walton said he is hopeful that a new court venue will be able to examine the case in a fresh, objective light.

"I think it's nice, because a lot of people just feel the Fort Worthians are going to be biased," Walton said. "So, it's nice that it's out of Fort Worth's hands and now on bigger grounds." Bradley's attorneys have repeatedly argued that his trial -- in which the aldermen acted as judge, jury and witnesses -- was a flagrant violation of the state constitution.

"The aldermen sat in judgment of Bradley, despite the fact that they were predisposed to rule against him and had a direct interest in his removal," the Supreme Court appeal states.

White's attorneys have argued that if Bradley's appeal is granted, it would create confusion about the Legislature's intent to provide a procedure for public officials to remove elected mayors and council members.

"Official misconduct and incompetence by such officials can and should be dealt with on a local basis and not be subjected to court intervention," according to Dee Kelly Jr.'s brief.

Perot attorney David Bryant declined to comment, saying Perot's Hillwood Development Corp. was not a formal party to the ouster case.

Rick Patterson, president of Perot's Hillwood Development Corp. said, "We've always felt this was a separate issue from the disannexation in our opinion, so that's fine." Bryant has said he does not believe that any decision resolving the mayoral issue sets the stage for the reversal of the Circle T Ranch disannexation.

McGrath said yesterday that he anticipates a "well-reasoned" decision by the state's high court.

"It's nice to see the process working," McGrath said. "The trial judge is one mind, the appeals court is three minds and in Austin there will be nine justices looking at the question.

"At each level, you get more collective input and that generally creates a good result," he said.

Attorneys for two other ousted Texas mayors also urged the court to rule on the law that the Westlake Board of Aldermen invoked in putting Bradley on trial and removing him from office.

The Supreme Court's decision to hear the Westlake case is a "very positive development," said James Harris, who represents former Parker Mayor Paul Skelton and filed a brief Wednesday in support of Bradley's appeal.

"It gives them the opportunity to clarify the law in this case," he said. "On behalf of my client, we believe there are some real problems with the reasoning of the Fort Worth Court of Appeals and that the case as decided would not only have an adverse impact on removal cases but other cases."

Attorneys for former Seven Points Mayor Marian Hill also asked the court to rule.
