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For appeals team in sect case, timing was crucial

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According to conventional wisdom, Child Protective Services was going to prevail in the Texas Supreme Court — proving once again that the word “wisdom” may not belong in that phrase.

Prognosticators saw portents in the Supreme Court’s incredibly tight deadline, issued last Tuesday afternoon, that gave sect mothers less than one day to submit a brief opposing CPS.

Lawyers for the state, and even a lawyer for the mothers, privately figured the 9 a.m. next-day deadline was a slap that meant the justices were ready to back CPS in the child-custody fight and merely wanted to cross every T before ruling.

Doug Alexander, one of five appellate lawyers who would spend the next 19 hours developing the [mothers’ brief](#), said he didn’t think about what the deadline meant.

“We didn’t have time to be nervous,” Alexander said. “Our focus was getting that sucker on file before 9.”

Appellate law is frequently tedious and, aside from the challenge of making oral arguments before nine often skeptical justices, rarely described as electrifying.

But “it was an exciting 19 hours” as Alexander and the appellate team banged out the ideas, and then the brief.

The room also contained Amy Warr from Alexander Dubose Jones & Townsend (Alexander has been practicing before the Supreme Court for about 20 years. Warr joined the firm last year but made an impression a decade ago by beating Alexander in her first Texas Supreme Court case. Or as Alexander puts it: “She kicked my butt.”)

The other lawyers were from Texas RioGrande Legal Aid — Robert Doggett, Julie Balovich and Amanda Chisholm. Their organization directly represented about 50 of the mothers and — with Warr — filed the original appeal that succeeded at the 3rd Court of Appeals in Austin.

“It was a collaboration in the best meaning of the word, where we really did during 19 hours bounce a bunch of ideas off each other, and in the division of labor,” Alexander said.

The team made the court’s deadline, and the justices delivered their 6-3 ruling around 4 p.m. the same day — setting up Monday’s reunion of sect families across Texas.



Doug Alexander



Amy Warr

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