

State Supreme Court strikes down 1997 removal of Westlake mayor

Justices find fault with aldermen's roles in hearing on Bradley

By A. Lee Graham

The Dallas Morning News

Scott Bradley is - and was - the rightful mayor of Westlake, the Texas Supreme Court ruled Thursday.

In a 20-page ruling, the state's highest civil court decided the town's Board of Aldermen acted inappropriately in allowing two members to vote after they testified against Mr. Bradley in a removal hearing.

"I'm overjoyed by the ruling," Mr. Bradley said hours after hearing Thursday's decision. "It's a great day for the little people of the world. The judicial system did work in the end."

Dee Kelly, Jr., who represented Dale White in his claim to Westlake's mayoral title, said he was not surprised by the ruling.

"I knew it was a possibility, so I'm not shocked by it," Mr. Kelly said.

Mr. White could not be reached for comment Thursday.

An appeal to Thursday's ruling is unlikely, said Ann Diamond, assistant district attorney of the civil division of the Tarrant County district attorney's office. State law requires the district attorney to play a procedural role in such cases.

"The state will not litigate this matter further," Ms. Diamond said.

The dispute began April 29, 1997, when the Westlake Board of Aldermen removed Mr. Bradley as mayor. Three days later, the board appointed Mr. White, a former mayor, to the post and disannexed the Circle T Ranch and most of Westlake's other land from the city.

State district Judge Bob McGrath ruled Aug. 12, 1997, that Mr. Bradley had been improperly removed from office, but on Nov. 6, 1997, the 2nd Court of Appeals overruled Judge McGrath and declared Mr. White the "lawful mayor" of Westlake.

Mr. Bradley won his current term when he ran unopposed in May; the term expires in May 2000.

In arguments made Sept. 28, 1998, before the justices, Mr. Bradley's attorney Eldridge Goins Jr. asserted that the aldermen - Carroll Huntress, Al Oien, Jerry Moore and Howard Dudley, all of whom have left the board - violated Mr. Bradley's right to due process.

None of the former aldermen could be reached for comment Thursday.

Mr. Goins argued that the aldermen could not legally act as judges, jury members, prosecutors and witnesses in ousting Mr. Bradley.

"We feel vindicated by the ruling," Mr. Goins said Thursday.

The ruling comes after a recent, related victory for Mr. Bradley and Westlake, in which Fort Worth relinquished claims to the Solana office complex. The move paved the way for Fidelity Investments to announce the planned consolidation of its regional headquarters on land it bought from the Circle T Ranch.

Mr. Bradley's case before the state court was one of two heard at the Baylor University School of Law in Waco. The hearing marked the first time that the court convened outside Austin.
