

THE BUZBEE LAW FIRM

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Reply to: Galveston Office

November 8, 2007

*Via Facsimile (713) 960-6025 and
Certified Mail, Return Receipt Requested
No. 7007 1490 0003 5819 5289*

Mr. David M. Feldman
Feldman & Rogers, L.L.P.
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

Re: Sandra Tetley and gisdwatch.com

Mr. Feldman,

I have been retained by Sandra Tetley to respond to your letter of October 29, 2007, and to vigorously defend her in litigation in the unlikely event such should become necessary.

In response to your letter, first let me say that Sandra Tetley is a taxpaying citizen who has children in Galveston ISD. As such, she has a vested interest in the manner in which day-to-day business at the school is conducted. Mrs. Tetley has devoted much of her time and energy to improvement of Galveston ISD. She is deeply concerned with the state of the school system and the education the children are receiving. Every statement she has made on her website was made with an absolute belief in the truth of such, and was made with the sincerest intention and desire of improving the school system, not only for her own children, but for Galveston Island as a whole. As an aside, I know that you personally do not live on the Island, but, for your information, there is a real fear by those that live here that we are losing our middle class. It is believed that one of the primary reasons that more and more middle class citizens are leaving the Island is because the school system is perceived to be failing the children. Many of those with kids in school who are able to leave have done so; others have placed their children in private school; still others—like Mrs. Tetley—have kept their kids in public school, but are desperately fighting to shed light on the myriad of problems at GISD, in the hope that the exposure of these problems will lead to their resolution. Because of the perceived deficiencies in the school system, it is believed that soon Galveston Island's population will consist of weekenders with expensive West End beach homes, and the very poor without the means to leave. The situation is critical. Now is not the time to sue parents; it is the time to fix the system.

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In light of the plethora of problems within the school system, it is deeply disturbing that GISD and its Board of Trustees have retained your law firm to threaten a taxpaying parent with frivolous litigation. One can only imagine how much taxpayer money has already been wasted on this effort. And, there is no doubt that, if the school persists with this baseless course of action, much, much more taxpayer money will be needlessly wasted. Setting aside for a moment the colossal waste of money in monitoring Mrs. Tetley's website and pursuing a meritless case, what is more concerning is that public school officials would attempt to stifle legitimate debate and criticism by abusing the legal process. The point is this: your clients have much better things to do. Rather than wasting their time and energy hiring attorneys to make baseless threats, they instead should be devoting their time and energy to doing their jobs, as best as they can do. Our kids deserve nothing less. Further, please advise your clients that, by seeking and accepting positions of public trust, they have necessarily subjected themselves to criticism by those in the public who might disagree with their actions. Criticism and disagreement from the public comes with the territory. The proper response by a public official to criticism is leadership, debate, discussion, and compromise—not frivolous litigation.

Turning now to the specifics of Mrs. Tetley's website, I would note that the law is very clear that Mrs. Tetley cannot be legally responsible for what others post on her website. Further, as any reasonable reader can see, most if not all of the statements made by Mrs. Tetley on the website are her personal opinions. You and your clients may strongly take issue with Mrs. Tetley's opinions; however, such disagreement does not make such opinions legally actionable in a court of law. Finally, in the event that any of the opinion statements made by Mrs. Tetley are construed to be factual rather than opinion, please be advised that she firmly and in good faith believes such statements to be the absolute truth, and stands ready to prove their truth in a public forum—in front of a Galveston jury. As you know, truth is an absolute defense to any action against her.¹ Furthermore, if Mrs. Tetley is found to sincerely believe what she has written—which she does—your clients simply cannot prevail. The bottom line is this: If, with the hope of silencing her, your clients exercise extremely poor judgment and decide to waste taxpayer money by filing a lawsuit against Mrs. Tetley, what your clients will get instead is a very tenacious and very public fight. Such a lawsuit will allow every concerned taxpaying citizen to closely examine each and every controversial issue raised on Mrs. Tetley's website, through extensive document production and testimony. When Mrs. Tetley prevails—which by my understanding of the law she certainly will—we will seek the reasonable value of our attorney fees and costs for having to defend such a frivolous case. In any event, because I believe strenuously in the First Amendment—especially in the circumstance where publicly elected officials are trying to stifle criticism—I have agreed to represent Mrs. Tetley for the duration of any litigation, at absolutely no cost to her.

¹ “. . . the truth is the hardest missile one can be pelted with.” George Eliot

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Mrs. Tetley is not looking for a fight, but she will not be bullied. I would respectfully urge your clients to consider very carefully whether suing a taxpaying parent is really the best use of their valuable time, and whether such course is the most prudent use of taxpayer money. I sincerely hope that this letter will end this matter here. If not, I look forward to seeing you and each of your clients in the near future.

Please don't hesitate to contact me if you would like to discuss this matter. As always, I remain,

Very truly yours,



Anthony G. Buzbee

AGB:cd

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