



TEXAS JUSTICE COURT JUDGES ASSOCIATION



Excellence and Integrity



JUDICIAL CONDUCT 2004 An editorial by Jim Hansen

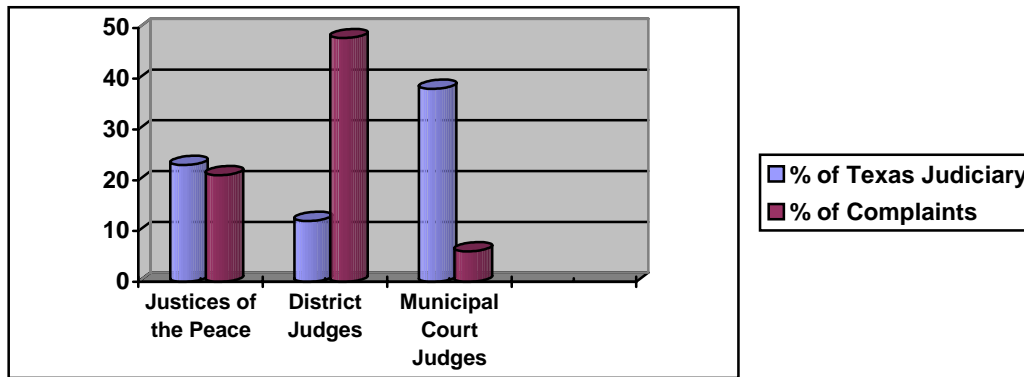
The definition of insanity: "Doing the same thing over and over again hoping to get a different result."

Author Unknown

The world of resignations and reprimands is one we do not usually highlight in our newsletter, but in reading the Judicial Conduct Commission annual report for 2004, some of the statistics raise interesting questions. In 15 years as a Judge, I have noticed that year after year Judges seem to do the same dumb things over and over. The first question is why?

THE FACTS

In 2004, Justices of the Peace were akin to a child with too many trips to the principal's office. There were 252 complaints against Peace Justices, compared to just 71 complaints against Municipal Judges. District Judges received the highest number of complaints with 592.



Graph #2 below reflects the number of sanctions handed down by the Commission. Out of 65 total sanctions (public sanction, private, education, etc.), a whopping **40** went to J.P.s. As you can see, Justices of the Peace receive a disproportionate number of sanctions. Again I ask why?





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I spoke with Judicial Conduct Commission Executive Director Seana Willing and asked about the “repeat” problems that plague Texas J.P.s. Ms. Willing has heard a number of theories. One recurring theory is something we have all heard time and again related to the fact that many Justices of the Peace have not been to law school and are not licensed attorneys. In my opinion, attending law school in no way guarantees you as “Commission proof”. After all, District Judges get more complaints annually than all the J.P.s and Municipal Judges combined.

THE RECURRING PROBLEMS

With the most serious violations, including crime, theft, sex, drugs, and alcohol, Commission action is often swift and sure. In my opinion, they do a good job of removing those Judges who should have never been on the bench to begin with (see my editorial entitled **Your Honor** at the website).

Other violations seem to generally end up in the reprimand arena (public and private). Year after year, some Judge gets in trouble for phoning another Judge and asking for dismissal of a traffic ticket for an acquaintance or family member. Or a Judge is sanctioned for calling the jail “demanding” a P.R. bond for a friend after another Judge has already set bond. Ex Parte communication, political hanky panky or retaliation, and recusal (or lack of it) also seem to have a recurring role in the annual report. Ms. Willing notes that Judges frequently run into trouble because they fail to recognize the limits of their judicial authority. In my opinion, these Judges are trying too hard to either help or impress others. They really want to help out a friend or neighbor, or they don’t want to admit that they are not “all powerful” to a layperson who thinks Judges are able to do as they please when it comes to criminal cases. Having a law degree has little to do with this type of violation.

SANCTIONS

Executive Director Willing has the simplest explanation for the recurrences. We get more complaints and because we see more people. Receiving the largest number of sanctions seems to be a logical result when you have more direct interaction with the public than any other Judge. Most of us handle truancy, criminal and civil cases, magistrations and other matters on a daily basis. The general public often does not understand the limitations we have, nor do they understand legal protocol.

On a brighter note, most complaints are dismissed because the case was groundless, or the JCC investigation simply did not yield sufficient evidence to warrant an action against a Judge.

If we Judges took more time to look up an answer or ask another Judge when we are not sure of our actions, we could reduce the number of sanctions. Perhaps in our education, instructors need to hammer home the fact that our family and friends do not get special privileges. Judges also need to be reminded, frequently, not to try too hard when assisting family, friends, victims, or everyday citizens with their problems. If we can tell our children to stop, look, and listen, and stay out of the principal’s office, maybe we can follow the same advice, and reduce the number of sanctions in 2005.

You can look at the full report (if you have ADOBE ACROBAT) at:

http://www.scjc.state.tx.us/ANNUAL_REPORT_2004.pdf