

YOUR HONOR

Back in the days of the Old West, Texas did not have enough lawyers to go around. District Judges had to ride the circuit (thus the term “circuit Judge”) from town to town adjudicating cases. The accused had to wait in jail. The process took almost as long back then as it does today.

To handle minor matters and “keep the peace”, Texas borrowed from the British Commonwealth and established Justices of the Peace. J.P.s did not have to be lawyers, only a “good person in the community”. Justices of the Peace were charged with handling minor crimes and squabbles. Many of these new Judges performed with honor and dignity. Some, like Judge Roy Bean, simply pulled out their gun and shot the party who disagreed with them.

Fast forward to 2003. Our continuing education places great emphasis on *Judicial Ethics*. The TJCTC gives this course a significant time block, and everyone is required to attend.

This course always cites numerous examples of Judges who have been sanctioned by the Judicial Conduct Commission. One Judge made sexually suggest comments to a female prosecutor in his Court. Another improperly intervened on behalf of a relative. Still another got in trouble after having too much to drink. Some are just plain incompetent and removed from office. Others get charged in retaliation.

The Commission on Judicial Conduct does a good job sorting through all the muck. Their very existence creates a conscience within most Judges, causing them to think twice before taking a significant action.

My experience indicates that there are no more bad apples holding the office of Justice of the Peace than there are holding District and County Court judgeships. But I think each of us needs to periodically step back and reflect on the job and the way we do it. We need to question our own system of values, and think about what makes us tick.

Every four years, on New Years Days, I find myself in coat and tie, perched between a Commissioner and the County Clerk, right arm bent at the elbow, fingers skyward. I join other County officials in synchronized monotone, “I, (your name), do solemnly swear...”

How often do you think about the oath of office you have sworn to uphold? You pledge before God and the news media that you will put the law ahead of your selfish personal interest. You pledge not to barter your office in exchange for favors, jobs, and campaign contributions

A review of the Canons of Ethics produces this list of qualities each of us should strive to exhibit:

- 1) The Judge should be independent and honorable, work hard, and establish and maintain high standards of conduct.
- 2) A Judge should be fair, and avoid impropriety.
- 3) Judges should be patient, dignified, and courteous, and at the same time keep order in the

court.

4) The Judge should avoid politics (other than their own re-election).

Now see if you recognize any familiar traits among the following hypothetical Judges:

Judge “A” charges the maximum fines for most offenses. Each month he excitedly pours over an Auditor’s report to confirm that he, once again, brought in more money than the Judge next door. That makes sixteen months in a row! Surely everyone will realize he is the best and hardest working Judge, because his office turns in the most money. The Commissioners might give him a raise!

Judge “B” has great respect for the D.P.S.. They work hard, and put their lives on the line every day. She works hand in hand with them, because they are on the “same team”. She would never upset one of them by returning a “Not Guilty” verdict in a trial. She frequently phones Troopers to compare notes, get on the same page, and ensure victory in the pending proceedings. The only people who ever beat a ticket in her Court are defendants from her Church, who get their tickets dismissed.

Judge “C” decided his first day that he was elected because he is the smartest person on earth. He has no need to ever crack a book, because his opinion is the best way to resolve disputes. Anyone on his staff or in his Court who dares to question his judgement will face a furious tongue lashing! He is known around the Courthouse for his wrath.

What are the priorities of these hypothetical Judges? Hopefully not the same as those of you reading this article. I always try to remind myself that we are merely temporary caretakers of this office. There were Judges before us, and there will be others to carry on the office once we are gone. I have made it a priority to leave this office in better shape than I found it. In accomplishing that goal, it is my hope that I can leave a legacy that has the word “honor” somewhere within it.

Take time to reflect on how you do your job.

I believe the office of Justice of the Peace is at a perpetual crossroads. The impression each of us and our staffs make today become a piece of the legacy of the office. Our new organization, the Texas Justice Court Judges Association, is a step in the right direction, and an important piece of that legacy. I hope you will join JCJ.