

Commission's public statement on media attention surrounding a recent Commission decision
on a series of high-profile complaints against a Bexar County court at law judge



STATE COMMISSION ON JUDICIAL CONDUCT

PUBLIC STATEMENT

No. PS-2003-1

As a result of the media attention surrounding the recent decision by the State Commission on Judicial Conduct to dismiss without prejudice a series of high-profile complaints against a Bexar County criminal court at law judge, the Commission believes that the interests of the judiciary and the public would be best served by issuing this public statement addressing the actions of the respondent judge and clarifying the role certain Commission members may have had in that recent decision.

The decision made by the Commission, after considering all of the facts and evidence before it, was that there was not enough credible evidence to support a sanction in this case. Lack of proof does not equate to exoneration or a finding of no misconduct. Statements that the allegations against the judge were "baseless," or that judge has been "cleared" of misconduct or "exonerated" of wrongdoing are false and misleading to the public. As would be the case with any complaint dismissed by the Commission for insufficient evidence, this matter may be reopened at any time and the decision revisited if and when additional evidence were to be presented to the Commission.

The judicial disciplinary system is not a political forum. The decision of the Commission in this case was issued in a confidential manner to participants as is provided by the rules governing these proceedings.

Finally, the Commission must address the statements made by the media regarding certain Commission members from Bexar County. Commission members Jim Hall, Monica Gonzalez and Keith Baker, all of San Antonio, did not participate in any way in the proceedings involving the respondent judge. Each of these members was either recused on a voluntarily basis or was specifically asked not to participate by the respondent judge. Therefore, the media's implication that the presence of these three individuals on the Commission made a difference in the outcome of this case is completely unfounded and impugns the integrity of these dedicated Commission members. Every case considered by the Commission, by necessity, must be decided on the merits of its own particular set of facts and evidence.

The Commission issues this public statement pursuant to the authority granted to it by Article 5, Section 1-a(10) of the Texas Constitution, which provides that such action may be taken when sources other than the Commission cause notoriety concerning a judge or the Commission itself and the

Commission determines that the best interests of a judge or of the public will be served by issuing the statement.

This public statement is intended to help preserve the integrity of all judges in the State of Texas, to promote public confidence in the judiciary, and to encourage judges to maintain high standards of professional conduct.

Signed this 22nd day of October, 2002.

ORIGINAL SIGNED BY

Kathleen H. Olivares, Chair
State Commission on Judicial Conduct