

## Eric Vinson Code Judicial Conduct Q&A

Question 1: I am required to report another judge's misconduct to the State Commission on Judicial Conduct.

Answer: **False** Canon 3D does impose a duty to report to SCJC *or take other appropriate action* in certain circumstances.

Questions 2: I am justified in shouting over a loud, vulgar, or offensive litigant in order to maintain control of my courtroom.

Answer: **FALSE** Canons 3B(3) and 3B(4) appear to be at odds, but judges have other tools available for handling difficult or disruptive litigants or attorneys that do not require the judge to lose control and resort to shouting in the courtroom to maintain order and decorum.

Question 3: The Commission can sanction me if I am arrested for DWI.

Answer: **TRUE** Under Article V, Sec. 1-a(6)A of the Texas Constitution, any judge who engages in willful or persistent conduct inconsistent with the proper performance of his duties, or that casts public discredit upon the judiciary or the administration of justice can be sanctioned or removed from office. A lot depends on behavior of judge during stop, arrest, and trial.

Question 4: I can never hear a case involving a relative or someone I know personally.

Answer: **FALSE** Canon 3B(1) requires judges to hear and decide all cases assigned to them except when disqualification is required or recusal is appropriate. Judges need to know the law on disqualification and recusal, and need to know when to get off a case or if the conflict can be cured or waived by disclosure. Judges should avoid situations where they are frequently having to disqualify or recuse themselves. If faced with recusal motion, judges must stay out of the process and avoid even appearance of attempting to intervene.

Question 5: I can use the court computer to send and receive political messages, jokes, and family pictures, as long as I use my personal/private e-mail account.

Answer: **FALSE** Anything but a *de minimus* use of county resources can subject a judge to a grievance, and possibly, criminal charges. Private emails can/do become public and may subject the judge to embarrassment, recusal, and/or discipline. If you wouldn't want your Mother or kids to see the post/email/picture on the front page of the morning newspaper – DON'T HIT SEND!!!

Question 6: It is acceptable for me to participate in a public forum sponsored by MADD.

Answer: **TRUE Caveat:** Be cautious of level of involvement/participation with advocacy organizations if you preside over cases where that group has an interest. Questions may be raised about impartiality and may result in frequent recusal. [Canon 4A]

Question 7: It is acceptable for me to hug my clerk if we both agree it is not offensive.

Answer: **True(ish) Caveat:** At what point do you have a conversation with your clerk about the appropriateness of physical contact and expressions of affection in the workplace? What if another clerk is offended by the conduct, feels discriminated against, or decides to file a hostile workplace complaint? What if the clerk decides he/she is no longer comfortable with the conduct? Physical contact with subordinates remains perilous territory.

Question 8: It is acceptable for me to send a letter of support to the State Commission on Judicial Conduct when asked by a fellow judge who is under investigation.

Answer: **FALSE** If the SCJC needs factual information from another judge in the course of its investigation, it will ask that judge directly. Voluntary character testimony is prohibited by Canon 2B, and is rarely helpful in the decision to sanction a judge for judicial misconduct.

Question 9: I can be “friends” with litigants/prosecutors/attorneys on Facebook, or be “connected” to them on LinkedIn, as long as we don’t discuss cases and I have a disclaimer prominently displayed on my social networking page.

Answer: **TRUE Caveat:** Under Canon 4A, questions may be raised about a judge’s impartiality and this may lead to frequent recusals; disclosure may be helpful but difficult to keep up with if you have more than a handful of “friends.”

Question 10: It is acceptable for members of my court staff to sell Girl Scout cookies, raffle tickets, or engage in other fundraising activities as long as they do not sell them in the courtroom.

Answer: **TRUE Caveat:** Be sure to train all court staff to comply with the Code of Judicial Conduct, and have a policy in place that prohibits this type of conduct in workplace and prohibits staff from invoking judge’s name/position/court when engaging in these activities.