



STATE COMMISSION ON JUDICIAL CONDUCT

PUBLIC STATEMENT

No. PS-2000-1

As a result of recent complaints concerning judges who also serve as active law enforcement officers, the State Commission on Judicial Conduct believes that the interests of the judiciary and the public would be best served by issuing this public statement clarifying its position on the issue of whether a judicial officer may serve concurrently as judge and law enforcement officer. In expressing its condemnation of the practice, the Commission wishes to communicate to all members of the Texas judiciary its view that, by attempting to fulfill the requirements of both offices, a judge severely compromises the impartiality and independence of the judicial office.

In issuing this Public Statement, the Commission recognizes the existence of Attorney General Letter Opinion No. 92-35 (1992), which discusses the legality of serving in both roles. However, the Commission notes that an act that is legal is not necessarily an act that is ethical. Judges are members of the judicial branch of our government. Law enforcement officers are part of the executive branch. Each branch is separate from, but co-equal with, the other. Therefore, the Commission concludes that any judge who attempts to serve both branches cannot accomplish the task without impairing the effectiveness of one or both positions.

What remains the guiding factor in this analysis is the public's trust in the ability of a judge to remain impartial and fair while conducting judicial business. It is the opinion of this Commission that anyone who tries to serve the public as both judge and law enforcement irrevocably undermines the public's confidence in an impartial and independent judiciary. The Commission adopts this position without regard for whether an individual performs the dual roles in the same county or in two separate counties.

The Commission issues this public statement pursuant to the authority granted to it by Article V, Section 1-a(10) of the Texas Constitution.

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 24th day of March, 2000.

A handwritten signature in black ink, appearing to read "W. G. Arnot".

Honorable William G. Arnot, Chairman
State Commission on Judicial Conduct