



STATE COMMISSION ON JUDICIAL CONDUCT

PUBLIC STATEMENT

No. PS-2000-2

As a result of recent complaints concerning judges publicly endorsing other candidates for public office, 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 the scope of Canons 2B and 5(3) of the Texas Code of Judicial Conduct as they relate to political endorsements by members of the judiciary.

The Commission wishes to communicate to all members of the Texas judiciary its view that political endorsements by judges reflect adversely on the integrity and impartiality of the judiciary and, therefore, are expressly prohibited by the following standards of judicial conduct:

1. Canon 2B of the Texas Code of Judicial Conduct, which states in pertinent part: "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others...."
2. Canon 5(3) of the Texas Code of Judicial Conduct, which states in pertinent part: "A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office..."

In the past, it has been argued that a judge does not violate Canon 2B if he or she simply avoids using the term "Judge" or "Justice" in a public endorsement of a candidate for public office. The Commission concludes that it is virtually impossible for a judge, at least in the eyes of the public, to separate himself or herself from the judicial office; therefore, it is immaterial to the issue of misconduct that a judge does not use his judicial title or refer to his judicial position in a public endorsement of a candidate for public office.

It has also been argued that a judge avoids violating Canon 5(3) by personally publishing an endorsement of another candidate for public office as opposed to giving permission to or "authorizing" the candidate or a third party to use the judge's name in such a public endorsement. The Commission declines to accept this narrow interpretation of the term "authorize." The Commission makes no distinction between acting on one's own behalf and empowering another to act on one's behalf as the Canon necessarily encompasses the broadest definition of the term "authorize."

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.

ORIGINAL SIGNED BY

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