



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 07-0269-JP, 08-0901-JP, AND 09-0148-JP

PUBLIC ADMONITION

**HONORABLE THOMAS G. JONES
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on August 11-13, 2009, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Thomas G. Jones, Justice of the Peace for Precinct 1, Place 1, in Dallas, Dallas County, Texas. Judge Jones was advised by letter of the Commission's concerns and provided written responses. Judge Jones appeared with counsel before the Commission in April 2007, December 2007, and August 2009, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

BACKGROUND INFORMATION

Judge Thomas G. Jones began his service as Justice of the Peace in 1991. Since 2006, his court has become one of the busiest in the State, receiving well over 100,000 new cases annually. With a staff of between eighteen (18) and twenty-one (21) clerks employed during this period, Judge Jones typically disposed of approximately 48% of his caseload each year.

During this time, Dallas County created the J.P. Central Collection Center, which was set up to process citations generated by law enforcement officers carrying hand-held devices that would electronically file citations issued in the field with the Collection Center through a program known as "Autocite." Six justice of the peace courts, including Judge Jones' court, authorized the Collection Center to handle these Autocite citations by processing payments, sending correspondence, accepting pleas, and administering the Driving Safety Course. Citations that were not paid were eventually forwarded to the courts by the Collection Center. Problems soon arose as a result of the program. The large volume of citations issued through Autocite resulted in enormous backlogs. Warrants on outstanding citations in the Autocite program fell behind. In late 2007, the Collection Center was still in the process of issuing warrants on nearly 30,000 citations

issued in 2006. By 2007, Judge Jones had received more than 8,000 old Autocite cases, and when the Collection Center was closed in 2008, his court received more than 150,000 cases just in one day.

Starting in October 2005, the Commission began receiving and investigating numerous complaints alleging that cases filed in Judge Jones' court were being mishandled and neglected by the judge and his staff. Over the next few years, the Commission would investigate more than twenty-six (26) cases filed against Judge Jones by litigants and judges, all of whom claimed that in their dealings with Judge Jones' court, they encountered long delays, poor customer service, rude and discourteous demeanor, and a lack of professional competence, supervision, and training.

After Judge Jones appeared before the Commission in April 2007 to discuss these concerns, the Commission offered to assist the judge in obtaining training for his staff and offered to provide a mentor judge to assist Judge Jones in identifying and addressing problem areas that needed immediate attention. In the Fall of 2007, a mentor judge (the "Mentor") met with Judge Jones and his staff, observed the court's operations, and made numerous recommendations for improving Judge Jones' court operations. Unfortunately, when Judge Jones appeared before the Commission a second time, in December 2007, he was unable to provide the Commission with any assurances that the areas of concern raised in the complaints, as well as in the Mentor's report, would be appropriately addressed. As a result, the Commission voted to initiate formal proceedings against Judge Jones. In November 2008, the Commission filed its Notice of Formal Proceedings and charged Judge Jones with various violations of the Code of Judicial Conduct relating to the alleged mishandling of numerous cases in his court. Judge Jones filed a verified Answer to the Notice in February 2009.

During the period following the December 2007 hearing before the Commission and the filing of the Notice of Formal Proceedings, the problems involving the judge and his court operations were the subject of several critical media stories. During this time, Judge Jones began to actively take steps to improve the court's processes and procedures. In addition, Dallas County stepped in to provide assistance, including budget and staffing increases. In the Summer of 2008, Dallas County closed the J.P. Central Collection Center. The County's Human Resources Department performed an audit of the judge's court staff training, supervision, and operations and identified numerous areas where changes were needed. According to the judge and others involved in the process, numerous improvements had already taken place during this time, and others were in the process of coming to fruition.

As a result of representations regarding the work already completed and the efforts currently underway at the court, the Commission met a third time with Judge Jones in August 2009. During this hearing, Judge Jones acknowledged the problems in his court, including the fact that his staff needed more training and more supervision. Judge Jones also admitted that he was ultimately responsible for making sure his court staff was properly trained and supervised. The judge assured the Commission that he would continue to take the appropriate steps necessary to ensure that litigants and others with whom he and his staff dealt with in an official capacity were treated with the proper courtesy, patience, respect and competency. As a result of the evidence introduced at the

August hearing, most of the twenty-six (26) cases pending against the judge were dismissed. The remaining issues are addressed below.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Thomas G. Jones was Justice of the Peace for Precinct 1, Place 1, in Dallas, Dallas County, Texas.

CJC No. 07-0269-JP

2. In August of 2003, Complainant was arrested in Parker County on warrants issued out of Dallas County for failure to appear to resolve two traffic citations.
3. Complainant appeared before a Parker County Justice of the Peace and entered a plea of guilty to the charges.
4. Complainant's fine was satisfied by serving time in the Parker County jail.
5. Although the Parker County Justice of the Peace timely forwarded the appropriate paperwork to Judge Jones' court for processing, a data entry error made by a court clerk prevented Complainant's warrants from being recalled and the cases were never properly disposed.
6. In 2005, Complainant was unable to renew his driver's license because Judge Jones' court had failed to properly enter the out-of-county plea information received from Parker County.
7. Attempts by Parker County officials and by Complainant to resolve the problem with Judge Jones' court staff proved to be unsuccessful. According to Complainant, he was treated rudely by court staff, who told him to stop calling, placed him on hold for long periods of time, or hung up on him.
8. In a December 2007 report to the Commission, the Mentor wrote of his experience in attempting to contact Judge Jones' court by telephone. According to the Mentor, who also heard reports from witnesses that calls would be answered and immediately hung up, or that callers were being placed on hold for inordinate amounts of time, or that it was impossible to speak to a live person after attempting to navigate through the endless loop of menu options prompted by the court's automated phone system, "phone service to the court was virtually non-existent."
9. The Mentor also observed that Judge Jones' staff appeared to be willing and eager to learn, but was untrained, overworked, inadequately supervised, and forced to operate in a small, inefficient work space.
10. The Mentor went on to describe instances where he observed judgments and other court papers that had been incorrectly prepared by court staff, who used the judge's signature stamp without first verifying that the information contained in the documents accurately reflected the judge's rulings.
11. In his testimony before the Commission, Judge Jones acknowledged the serious problem of repeated instances of "clerk errors" and poor demeanor demonstrated by poorly trained and inadequately supervised court staff.

12. Judge Jones testified that he was taking a more active role in the training and supervision of his court staff, and had implemented several new procedures aimed at addressing the problems raised by these complaints and preventing similar instances from occurring again.
13. Judge Jones also acknowledged that there could be serious consequences for a litigant as a result of “clerk errors.” For example, an individual could be arrested and jailed as a result of outstanding warrants still showing as active in the computer system. Additionally, the name of the litigant could be posted on the Dallas County “Wanted” website, which identifies individuals who owe fines and court costs to the County.

CJC No. 08-0901-JP

14. In 2008, Complainant was cited by Dallas Area Rapid Transit (“DART”) officers for improperly obtaining a reduced student fare.
15. At her June 23, 2008 appearance before Judge Jones, Complainant observed that the judge “acted like a game show host,” by making statements such as, “I’m cutting deals with you today!” and “if you have 2 or more traffic tickets I can dismiss one.”
16. During an earlier visit to Judge Jones’ court in 2007, the Mentor observed that Judge Jones improperly assumed the role of prosecutor by negotiating with defendants who had appeared before the court to resolve their cases.
17. According to the Mentor, Judge Jones told defendants, “Today is your lucky day,” then proceeded to negotiate dismissals in some cases, deferred dispositions in other cases, and did so without the involvement of the prosecutor.
18. Judge Jones denied that he acted like a “game show host,” or improperly dismissed cases without the consent of the prosecutor.

CJC No. 09-0148-JP

19. According to the Rules of Judicial Education promulgated by the Texas Court of Criminal Appeals, as a Justice of the Peace, Judge Jones is required to obtain at least twenty (20) hours of judicial education each year.
20. In the 2008 academic year (September 1, 2007 through August 31, 2008), Judge Jones failed to obtain the required judicial education and was not granted a waiver of this requirement.
21. Judge Jones does not dispute that he failed to obtain the required education in 2008.
22. According to Judge Jones, he was unable to obtain the training due to the increased caseload being handled by his court and because of the time he needed to spend taking his wife to cancer treatments.
23. Judge Jones testified that he attended two 20-hour programs the following year, one at his own expense, in order to make up for the failure to obtain the training in 2008.

RELEVANT STANDARD

Article V, sec. 1-a(6)A of the Texas Constitution provides that any judge may be disciplined or removed from office for incompetence in performing the duties of the office or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.

CONCLUSION

The Commission concludes, based on the facts and evidence before it, that Judge Jones owes a duty to the public to ensure that his court staff is properly trained and adequately supervised; that cases filed in his court are handled competently and professionally; that paperwork prepared or handled by his court staff is accurate and reflects the correct disposition of the matters addressed therein; and that proper procedures are followed at all times so that the public maintains confidence in the judiciary and in the proper administration of justice. Judge Jones also owes a duty to the public to demonstrate professional competence in the law by obtaining the required number of hours of judicial education each year. The Commission concludes that Judge Jones' conduct in the above-described matters constituted incompetence in performing the duties of his office, in violation of Article V, sec. 1-a(6)A of the Texas Constitution. The Commission further concludes that by failing to timely address the Commission's concerns until after the Commission and the media brought public attention to the problems of his court, Judge Jones demonstrated persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary or administration of justice in violation of Article V, sec. 1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Article V, sec. 1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Thomas G. Jones, Justice of the Peace for Precinct 1, Place 1, Dallas, Dallas County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 9th day of **September, 2009**.

ORIGINAL SIGNED BY

Honorable Sid Harle, Chair
State Commission on Judicial Conduct