



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 04-0427-CC

PUBLIC ADMONITION

**HONORABLE E. MASON MARTIN II
COUNTY COURT AT LAW NO. 3
CONROE, MONTGOMERY COUNTY, TEXAS**

During its meeting in Austin, Texas, on December 8-10, 2004, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable E. Mason Martin II, County Court at Law No. 3, Conroe, Montgomery County, Texas. Judge Martin was advised by letter of the Commission's concerns and provided written responses. Judge Martin appeared with counsel before the Commission on December 10, 2004, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable E. Mason Martin II was judge of County Court at Law No. 3 in Conroe, Montgomery County, Texas.
2. On or about December 28, 2003, while performing judicial duties at the Montgomery County jail, Judge Martin engaged in a dispute with several deputies over certain security measures that had been put in place by jail administrators.
3. The disputed jail policies involved the separation of male and female inmates during probable cause hearings and having a deputy posted outside the hearing room, observing the proceedings through the window, and ready to act in case of emergency.

4. Frustrated by the new policies, Judge Martin started to exit the hearing room, stating to the deputies present in the room, “Well, you go find your own damn judge for probable cause,” or words to that effect.
5. After the prisoners were assembled in the hearing room, one of the jailers assumed his post outside the door. As the deputy looked through the window into the room, Judge Martin loudly said, “Get away from the window,” and “Get your ugly face out of my sight,” or words to that effect.
6. Judge Martin then told another deputy that if the jailer “can’t follow orders, I will have him locked up in his own jail,” or words to that effect.

RELEVANT STANDARD

Canon 3B(4) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity . . .”

CONCLUSION

The Commission concludes from the facts and evidence presented that by arguing with the deputies, Judge Martin failed to demonstrate the patience, dignity and courtesy required of a judicial official, in violation of Canon 3B(4) of the Texas Code of Judicial Conduct. The judge’s disruptive and demeaning conduct toward the jail staff, some of which was observed by prisoners, did little to promote public confidence in the integrity, impartiality, and independence of the Texas judiciary.

In condemnation of the conduct described above that violated Canon 3B(4) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable E. Mason Martin II, County Court at Law No. 3, Conroe, Montgomery County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

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 ___21___ day of December, 2004.

ORIGINAL SIGNED BY

Honorable James A. Hall, Chair
State Commission on Judicial Conduct