



STATE COMMISSION ON JUDICIAL CONDUCT

PUBLIC STATEMENT No. PS-2024-1


In November of 2019, the State Commission on Judicial Conduct Commission issued a Public Warning to Dianne Hensley for casting doubt on her capacity to act impartially to persons appearing before her as a judge based on sexual orientation, in violation of Canon 4A(1) of the Texas Code of Judicial Conduct. In December of 2019, Judge Hensley filed a lawsuit against the Commission and its officers in District Court in McLennan County under the Texas Religious Freedom Restoration Act. (the “Hensley Case”). After the case was decided by the District Court and the Court of Appeals, the Texas Supreme Court granted review. The Texas Supreme Court issued its opinion in the Hensley Case on June 28, 2024, which decided that Judge Hensley’s suit was not barred by her decision not to appeal her Public Warning because the Special Court of Review has limited power, and the Special Court of Review could not finally decide whether Judge Hensley was entitled to the relief sought in the case or award the relief provided by the Texas Religious Freedom Restoration Act.

The current Commissioners on the State Commission on Judicial Conduct were not Commissioners at the time the Public Warning was issued. The current Commissioners have reviewed the facts that formed the basis of the Public Warning issued to Judge Hensley. The State Commission on Judicial Conduct has decided to withdraw the Public Warning issued to Judge Hensley, in light of the decision handed down by the Texas Supreme Court and the underlying facts and evidence regarding the Public Warning. This sanction will be removed from the Commission’s website and the complaint is considered dismissed.

The Commission issues this public statement pursuant to the authority granted to it by Article V, Section 1-a(10) of the Texas Constitution, which provides that such action may be taken when sources other than the Commission cause notoriety concerning a judge or the Commission itself and the Commission determines that the best interests of a judge or of the public will be served by issuing the statement.

This public statement is intended to help preserve the integrity of the judiciary 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 9th day of September, 2024.



Gary Steel, Chair
State Commission on Judicial Conduct