



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 23-0518

PUBLIC REPRIMAND

**HONORABLE JAMES OAKLEY
COUNTY JUDGE
BURNET, BURNET COUNTY, TEXAS**

During its meeting on October 3, 2024, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable James Oakley, County Judge in Burnet, Burnet County, Texas. Judge Oakley was advised by letter of the Commission's concerns and provided a written response. On December 3, 2024, Judge Oakley appeared before the Commission and gave testimony regarding this matter.

After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable James Oakley served as the County Judge in Burnet, Burnet County, Texas.
2. On November 3, 2022, Lisa Whitehead, Justice of the Peace, Precinct 2 in Burnet County ("Judge Whitehead") requested to speak with Judge Oakley about keeping her courtroom door closed, and locked as needed when Court was not in session. Judge Whitehead outlined her reasonable security concerns because of events that occurred in October 2022¹ and her other general security concerns.
3. Judge Whitehead's courtroom, which is located in close proximity to a public outside entrance of the Burnet County Historic Courthouse ("Courthouse"), is not secured from

¹ An individual, whose actions prompted Judge Whitehead's initial security concerns had previously entered the Burnet County Historic Courthouse.

those entering from the outside without being screened first at any manned security barriers.

4. At the meeting on November 3, 2022, Judge Oakley informed Judge Whitehead that the courtroom door was not going to be locked and would not be closed. Judge Whitehead told Judge Oakley that she would continue to shut the courtroom door, and lock it as required for her security and that of her staff.
5. On November 4, 2022, the next day, Judge Oakley had maintenance staff for the Courthouse remove and/or deactivate the locking mechanism on Judge Whitehead's courtroom door. Judge Whitehead continued to close the courtroom door even though she could no longer lock it.
6. When Judge Whitehead could not find a workable option with Judge Oakley, she raised concerns to the Court Security Division of the Office of Court Administration for the State of Texas ("OCA"), who agreed to have its staff evaluate and assess her security concerns.
7. On November 9, 2022, before the OCA evaluation occurred and because Judge Whitehead was still shutting her courtroom door, Judge Oakley further escalated the security conflict and had county maintenance drill a hole in the Courthouse floor and the courtroom door, then install an eyebolt so that the door was held open indefinitely with a combination padlock.
8. When Judge Oakley directed county maintenance to take the above actions, Judge Oakley did not consult with or obtain approval from the Burnet County Sheriff, the Constables or any court security committee who oversaw security for that Courthouse. Judge Oakley did not provide the combination of the padlock to Judge Whitehead, the Burnet County Sheriff or the Constable.
9. The following week, Judge Whitehead contacted Burnet County Sheriff Calvin Boyd ("Sheriff Boyd") who spoke with Judge Oakley about the conflict which ultimately resulted in Judge Oakley removing the combination padlock.
10. On November 14, 2022, OCA Specialist Nicholas Barsetti ("Specialist Barsetti") conducted a physical security assessment of the Courthouse based on concerns raised by Judge Whitehead. Specialist Barsetti met with Judge Whitehead, Sheriff Boyd, and other court and county staff.
11. During the OCA assessment, Specialist Barsetti observed a printed 8.5 x 11-inch sign taped to the outside of the courtroom door with bold type that stated: "THIS DOOR IS TO REMAIN OPEN WHEN ROOM NOT IN USE. THANK YOU, JUDGE OAKLEY."
12. Specialist Barsetti also observed evidence of the eyebolt and confirmed it had been present and that the padlock had recently been removed. The courtroom door was still unlocked and accessible to the public while no court or security staff was present.
13. On November 18, 2022, OCA Court Security Director Hector Gomez and Specialist Barsetti completed their security assessment of the Courthouse, and later issued OCA's comprehensive security report including the following findings: (1) the courtroom should be kept secured when not in use; (2) the courtroom door should be closed and locked at all times unless a bailiff was present in the court; (3) the eyebolt removed from the courtroom

door; and (4) the courtroom door should not be locked in a manner that it cannot be controlled by court security staff and/or is “stuck” in a single position, including open.

14. In his responses to the Commission, Judge Oakley defended his actions regarding the court security issues since he believed no such security measures were required in “the courthouse built in 1936” and that Judge Whitehead’s security concerns did not make sense. Judge Oakley refused to recognize Judge Whitehead’s reasonable security concerns or take responsibility for his actions in undermining Judge Whitehead’s security, despite OCA’s report showing his actions were improper.
15. In addition to the security concerns, Judge Whitehead alleged that Judge Oakley also bullied and sexually harassed her both during the events described above, but also in other instances over many years.
16. On January 6, 2023, Judge Whitehead was working in her office with her office door into the courtroom open, but the courtroom door closed and locked. As she worked, at one point, Judge Whitehead discovered that Judge Oakley was sitting in the courtroom without the overhead lights on and without announcing his presence to her. It was unclear how long Judge Oakley sat in that manner. Judge Oakley’s presence startled and frightened Judge Whitehead.
17. On March 13, 2023, after Judge Oakley had been suspended by the Commission on separate unrelated issues, he contacted Judge Whitehead and told her he wanted to “clear the air” and he wasn’t “sensitive to [her] sensitivities,” telling Judge Whitehead that he “loves” her in that conversation.
18. Judge Whitehead reported other incidents of harassment, including Judge Oakley elbowing her on one instance in her office while commenting on the office carpet, asking her, “so have you and Eddie broken it in yet?” Eddie is Judge Whitehead’s husband.
19. On another instance, Judge Oakley was sitting at a table by Judge Whitehead at a Burnet community event and started rubbing her leg, saying, “nice boots.”
20. Judge Oakley similarly rubbed Judge Whitehead’s leg when he was sitting by her with the Burnet County contingent at the Texas Capitol in the House Chambers gallery and made a comment showing his physical contact was intentional and not inadvertent.
21. Judge Whitehead stated that Judge Oakley engaged in a pervasive pattern of sexually harassing other women across Burnet County, both those who work for Burnet County and members of the general public.
22. During the period in question, Judge Oakley installed Sara Ann Luther (“Ms. Luther”) as the Human Resource Director for Burnet County. Ms. Luther is the wife of Jim Luther, current Burnet County Commissioner, Precinct 1 (“Commissioner Luther”).
23. According to Judge Whitehead, it is widely known in Burnet County that Ms. Luther and Commissioner Luther are close allies to Judge Oakley.

24. On October 24, 2023, Ms. Luther resigned as the Human Resource Director following an opinion issued by the Texas Attorney General's Office stating her continued employment was likely contrary to state nepotism laws.²
25. In her sworn statement, Judge Whitehead stated:

“Judge Oakley also directs persistent and similar sexual harassing behavior towards many other women in the courthouse and the community at large. I am aware of his saying or doing similarly inappropriate things to other women around Burnet County. Many are current county employees who may not feel they can say something to their supervisors, or even if their supervisor was supportive, they could have a concern that Judge Oakley might retaliate against them individually or their departments. At least during a part of this period, Judge Oakley installed Sara Ann Luther as the HR Director for Burnet County. Ms. Luther is the wife of the current Commissioner for Precinct 1, and they are two of Judge Oakley's closest political allies. In October 2023, the Texas Attorney General's Office found that this arrangement would likely be found to violate nepotism laws, and Ms. Luther resigned. This arrangement likely also discouraged young women subject to Judge Oakley's sexual harassment from reporting it to Burnet County HR. Many of the women subjected to these comments and actions may also be young and particularly vulnerable. Some of the women have families who may be highly dependent on their county salary, or their families have ties to Burnet County and could be subject to retaliation by Judge Oakley in another fashion. Judge Oakley's reputation is well known to do and say things to women that fall squarely within the terms of sexual harassment. Most such women simply feel they have to put up with the harassment because of Judge Oakley's position.”
26. During his appearance before the Commission, Judge Oakley disputed Judge Whitehead's allegations regarding his sexual harassment of her.
27. Regarding Judge Whitehead's court security, Judge Oakley testified he did not consult nor engage the Sheriff, the Constables or the Court Security Committee for Burnet County before he disabled the locks of Judge Whitehead's courtroom door or placed the eyebolt on the door which prevented it from being locked and closed.
28. Judge Oakley testified, in retrospect, he might have handled the security issues differently but considered that room to be a public room and not a courtroom even though the blueprints for the Burnet County Historic Courthouse designated Judge Whitehead's courtroom as a courtroom.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall comply with the law.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, “A judge ... shall maintain professional competence in [the law].”

² See Tex. Atty Gen. Op. No. KP-0449.

3. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant 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, ...”
4. Canon 3B(5) of the Texas Code of Judicial Conduct states, “A judge shall perform judicial duties without bias or prejudice.”
5. Canon 3B(6) of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, ...”
6. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful or persistent conduct” that “is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice.”
7. Section 74.092(a)(13) of the Texas Government Code states, in relevant part, “(a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall: (13) establish a court security committee to adopt security policies and procedures for the courts served by the local administrative district judge.”
8. Section 158.001 of the Texas Government Code states, in relevant part, "court security officer" means a constable, sheriff, sheriff's deputy, municipal peace officer, or any other person assigned to provide security for an appellate, district, statutory county, county, municipal, or justice court in this state.
9. Section 291.003 of the Texas Local Government Code states, “The county sheriff shall have charge and control of the county courthouse, subject to the regulations of the commissioners court.”
10. Section 2.11(A) of the Burnet County Personnel Policies & Employee Handbook states, “Harassment is strictly prohibited by Burnet County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the County does business.”
11. Section 2.11(B) of the Burnet County Personnel Policies & Employee Handbook defines “Sexual harassment” to include, “unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person’s work performance or creating an intimidating, hostile, or offensive work environment.”

CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable James Oakley, County Judge of Burnet, Burnet County, Texas should be publicly reprimanded for: (1) his failure to comply with law and maintain professional competence in the law regarding the court security for Judge

Whitehead's courtroom; (2) his failure to be patient, dignified and courteous when he sexually harassed Judge Whitehead and created a hostile work environment; and (3) his failure to perform his judicial duties without bias or prejudice and/or manifested bias or prejudice towards Judge Whitehead through his words and conduct and his pattern of sexual harassment towards other women in Burnet County. Judge Oakley's failure in these respects constituted willful or persistent conduct that is clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary or the administration of justices, in violation of Canons 2A, 3B(2), 3B(4), 3B(5), and 3B(6) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 11th day of December, 2024.



Gary Steel
Chairman, State Commission on Judicial Conduct