



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 01-0536-JP AND 01-0891-JP

PUBLIC ADMONITION

**HONORABLE GEORGE BOYETT
JUSTICE OF THE PEACE, PRECINCT 3
COLLEGE STATION, BRYAN COUNTY, TEXAS**

During its meeting in Austin, Texas, on May 9-10, 2002, the State Commission on Judicial Conduct (the Commission) concluded a review of allegations against the Honorable George Boyett, Justice of the Peace, Precinct 3, College Station, Brazos County, Texas. Judge Boyett was advised by letters of the Commission's concerns and provided written responses. Judge Boyett appeared before the Commission on April 12, 2002 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 George Boyett was Justice of the Peace for Precinct 6 [now 3], College Station, Brazos County, Texas.

CJC No. 01-0536-JP

2. On March 6, 2001, Texas Parks and Wildlife Department Game Warden Melvin K. Fowler entered Judge Boyett's court offices to inquire about the disposition of several alcohol-related citations he had issued.
3. According to Judge Boyett, Officer Fowler had been in the judge's offices several times in the preceding months. Judge Boyett stated that Fowler's "appearances here were usually mid-morning with other people in line for service, and the

clerks asked him to leave a list of his cases. . . . He was impatient and not particularly polite about the delays.”

4. Upon this visit, one of the judge’s clerks was heard by Fowler to say, “Here he is again,” or words to that effect.
5. During the March 6th visit, Judge Boyett instructed Brazos County Assistant County Attorney Spencer Giles to escort Fowler into the courtroom, where the judge was between bench trials.
6. According to Fowler, Judge Boyett began their meeting by referring to Fowler as the “bird and turtle sheriff.” He then asked Fowler if he was offended by that term, and Fowler answered in the affirmative. Despite Fowler’s objections, the judge continued to refer to Fowler in such derogatory terms.
7. While Judge Boyett denied that he referred to Fowler as a “bird and turtle sheriff,” he admitted to using the term “bird and turtle” in connection with the tickets issued by game wardens.
8. Judge Boyett informed Fowler that he had a problem with Fowler writing so many alcohol-related citations relative to the number of “bird and turtle” tickets he was writing.
9. Fowler attempted to explain to Judge Boyett that he wrote a large number of alcohol-related citations because he lives in an apartment complex heavily populated with college students. Judge Boyett responded that he expected the Department of Public Safety to write traffic tickets and game wardens to write “bird and turtle” tickets.
10. A witness to this meeting stated that Judge Boyett’s temper “flared.”
11. Fowler stated that he was under the impression that he was not free to leave the court while Judge Boyett was speaking to him. A witness to the meeting confirmed Fowler’s impression.
12. Judge Boyett denied that he lost his temper with Fowler or gave the impression that Fowler was not free to leave the courtroom.

CJC No. 01-0891-JP

13. On May 12, 2001, Judge Boyett, in his capacity of justice of the peace with the authority to determine cause of death, to sign a death certificate, and, when necessary, to perform an inquest, was called to the scene of the unattended death of Samuel Laymon.
14. Later that day, Laymon’s body was turned over to Walters Funeral Home for interment.

15. According to Chapter 193 of the Texas Health and Safety Code, Laymon's death certificate was required to be filed with the local registrar by the director of Walters Funeral Home within ten (10) days from the date of his death, or by May 22, 2001.
16. On May 17, 2001, Walters Funeral Home mailed the death certificate of Samuel Laymon to Judge Boyett for his completion. Judge Boyett's office received the death certificate the next day.
17. According to Chapter 193 of the Texas Health and Safety Code, Judge Boyett was required to complete Laymon's death certificate within five (5) days of its receipt, or by May 23, 2001. If the death certificate could not be completed in a timely manner, Judge Boyett was required to give the director of Walters Funeral Home notice of the reason for the delay.
18. On May 21, 2001, the owner of Walters Funeral Home, Carol Walters, called Judge Boyett's office and was told that the judge would be out of town until the day after Memorial Day.
19. On May 30, 2001, the day after Memorial Day, a secretary with Walters Funeral Home called the judge's office regarding the status of the death certificate.
20. Approximately one week later, the secretary called once again, only to be told that the death certificate still had not been completed and signed.
21. On June 11, 2001, Judge Boyett concluded his investigation into Laymon's death. Although Judge Boyett never made an effort to contact Laymon's family for information about the possible cause of death, he was able to obtain sufficient information from Laymon's landlord.
22. On June 13, 2001, after one more call by her secretary, Walters called the judge's office and was told that Judge Boyett would not take her call. Because Laymon's family needed the death certificate to take care of Laymon's personal affairs, Walters continued to call Judge Boyett's court about the death certificate.
23. According to Judge Boyett, he "chose not to return [Walters'] call [because his clerks had characterized] most of the calls from Walters Funeral Home [as being] rude, demanding and unreasonable."
24. On June 13, 2001, Walters spoke to Albert Rivera of the State Registrar's Office in an effort to gain that office's assistance in securing the completion of the death certificate.
25. On June 14, 2001, Rivera called Judge Boyett and offered his assistance in getting the death certificate finalized. Although Judge Boyett never spoke directly with Walters regarding the matter of the Laymon death certificate, Judge Boyett informed Rivera that Walters' calls had been rude.

26. On June 15, 2001, four (4) days after he had completed his investigation and twenty-eight (28) days after receiving Laymon's death certificate, Judge Boyett signed and mailed the death certificate to Walters Funeral Home.

RELEVANT STANDARDS

1. Article 5, Section 1-a(6)A of the Texas Constitution provides that any Texas justice or judge may be disciplined for 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.
2. Section 33.001(b)(1) of the Texas Government Code provides that, for purposes of Article 5, Section 1-a(6)A of the Texas Constitution, "willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" includes "willful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business."
3. Canon 2A of the Texas Code of Judicial Conduct states that "[a] judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."
4. Canon 2B of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall not allow any relationship to influence judicial conduct or judgment."
5. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall be patient, dignified and courteous to . . . others with whom the judge deals in an official capacity"

CONCLUSIONS

With regard to the judge's meeting with Game Warden Fowler, the Commission concludes from the evidence presented that Judge Boyett was intentionally and knowingly demeaning to Fowler during their meeting. The judge's frequent use of the derogatory term "bird and turtle" in reference to Fowler's work as a game warden was intended to embarrass and humiliate Fowler in violation of Canon 3B(4) of the Texas Code of Judicial Conduct. The Commission further concludes that Judge Boyett allowed his court staff to improperly influence his conduct and judgment in violation of Canon 2B of the Texas Code of Judicial Conduct. Specifically, Judge Boyett allowed his staff to create a hostile atmosphere in connection with Fowler's presence in the court offices. This hostility was then conveyed to Fowler by Judge Boyett in their March 6th meeting.

In reaching this conclusion, the Commission also notes that Judge Boyett was less than candid in his rendition of what transpired at his March 6th meeting with Fowler. The Commission concludes that such conduct by a judge not only violates Canon 2A of the Texas Code of Judicial Conduct, but also constitutes willful or persistent conduct that is clearly inconsistent with the proper performance of the judge's duties and casts public discredit upon the judiciary or administration of justice in violation of Article 5, Section 1-a (6)A of the Texas Constitution.

With regard to the judge's handling of the Laymon death certificate, the Commission further concludes from the evidence presented that Judge Boyett allowed his clerk staff to improperly influence his conduct and judgment in violation of Canon 2B of the Texas Code of Judicial Conduct. As a result of the negative feedback the judge received from court staff regarding the persistence of the Walters Funeral Home staff, Judge Boyett unreasonably and purposefully delayed signing the Laymon death certificate for an additional four (4) days after completing his investigation in violation of Article 5, §1-a(6) of the Texas Constitution as defined by §33.001(b)(1) of the Texas Government Code. Judge Boyett's discourteous conduct toward Walters violated Canon 3B(4) of the Texas Code of Judicial Conduct.

In condemnation of the above-recited conduct that violated Article 5, §1-a(6)A of the Texas Constitution and Canons 2A, 2B and 3B(4) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable George Boyett, Justice of the Peace, Precinct 3, College Station, Brazos, Texas.

Pursuant to the authority contained in Article 5, §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 Commission.

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

Signed this the 5 day of June, 2002.



Honorable Michael O'Neal, Chair
State Commission on Judicial Conduct