



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-0003

**PUBLIC ADMONITION AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE JAMES ZANDER
JUSTICE OF THE PEACE, PRECINCT 2
CLIFTON, BOSQUE COUNTY, TEXAS**

During its meeting on June 4 & 9-10, 2021, the State Commission on Judicial Conduct concluded a review of the allegations in this matter against the Honorable James Zander, Justice of the Peace, Precinct 2, Clifton, Bosque County, Texas. Judge Zander was advised by letter of the Commission's concerns and provided written responses.

BACKGROUND

A traffic citation was filed in Judge Zander's court against Darrell Andre Lewis in Case No. JP05190280. After reviewing the case, Bosque County Attorney Natalie Koehler filed to dismiss the charges against Mr. Lewis. In response, Judge Zander called the law enforcement officer who issued the citation, Deputy Ty Hardy, to ask if he wanted the case dismissed, to which Deputy Hardy answered in the negative. Judge Zander directed his clerk to convey to Ms. Koehler by email that Deputy Hardy did not want the charges against Mr. Lewis dismissed. Ultimately, Judge Zander granted Ms. Koehler's request to dismiss the charges.

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

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable James Zander was the Justice of the Peace, Precinct 2, Clifton, Bosque County, Texas.
2. Deputy Ty Hardy issued a traffic citation to Darrell Andre Lewis in Case No. JP05190280.

3. After reviewing the case, Bosque County Attorney Natalie Koehler filed to dismiss the charges against Mr. Lewis.
4. In response, Judge Zander contacted Deputy Hardy to ask if he wanted the case against Mr. Lewis to be dismissed and Deputy Hardy answered in the negative.
5. Judge Zander directed his clerk, Michele Valdez, to convey to Ms. Koehler that Deputy Hardy did not want the matter dismissed.
6. Ms. Valdez subsequently exchanged e-mail correspondence with Ms. Koehler conveying Deputy Hardy's response to Judge Zander's inquiry, including telling Ms. Koehler, "The Judge just thought you would want to defend the officer."
7. Ultimately, Judge Zander dismissed the case as Ms. Koehler had requested.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 6C(2) provides in relevant part that a justice of the peace shall not directly or indirectly initiate, permit, or consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.
2. Canon 3B(6) states in relevant part that a judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice.

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined the Honorable James Zander, Justice of the Peace, Precinct 2, Clifton, Bosque County, Texas, should be publicly admonished and ordered to obtain additional education for engaging in improper *ex parte* communications concerning the substance of a pending judicial proceeding, and by words and conduct manifesting bias/prejudice in favor of law enforcement when he; (i) directly initiated *ex parte* communications about the merits of a pending traffic case with the officer who issued the citation after learning the Bosque County Attorney sought to dismiss the matter; and (ii) directed his clerk to convey to the Bosque County Attorney that the officer was opposed to such dismissal prior to resolving the case, in violation of Canons 6C(2) and 3B(6) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Zander must obtain **two (2) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Zander receive this additional education in the areas of *ex parte* communications and criminal procedure. Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Zander.

Judge Zander shall complete the additional **two (2) hours** of instruction recited above within **60 days** from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Zander's responsibility to contact the assigned mentor and schedule the additional education.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 12th day of August, 2021.



David Hall
Chairman, State Commission on Judicial Conduct