



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 23-0079**

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**PUBLIC WARNING**

**HONORABLE JERALD DEAN FOWLER, II  
115<sup>TH</sup> JUDICIAL DISTRICT COURT  
GILMER, UPSHUR COUNTY, TEXAS**

During its meeting on August 2, 2023, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jerald Dean Fowler, II, judge for the 115<sup>th</sup> Judicial District Court, Gilmer, Upshur County, Texas. Judge Fowler was advised by letter of the Commission's concerns and provided written responses. 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 Jerald Dean Fowler, II was the judge for the 115<sup>th</sup> Judicial District Court, Gilmer, Upshur County, Texas.
2. On September 9, 2022, Judge Fowler was involved in a car accident (the "Car Accident") and subsequently arrested for Driving While Intoxicated ("DWI").
3. On February 7, 2023, Judge Fowler entered a guilty plea to a Class B Misdemeanor DWI charge and received one year of deferred adjudication probation.
4. In his responses to the Commission about this matter, Judge Fowler acknowledged that on the night in question, he "drank a great deal" of alcohol and ingested two different prescription sleep medications before operating his vehicle.
5. Judge Fowler explained to the Commission that he does "not recall" the Car Accident and has only "vague recollections" of what occurred afterwards.
6. Judge Fowler indicated that his insurance company settled for \$200,000 with the parties injured in the Car Accident.

7. Judge Fowler represented to the Commission that his consumption of alcohol and/or prescription drugs has never affected, and will never affect, his performance of judicial duties, and that he has taken affirmative steps to ensure he never again engages in conduct such as this.
8. Judge Fowler's arrest and guilty plea garnered significant media attention.

### RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides that a judge must comply with the law.
2. Section 49.04(a) of the Texas Penal Code states, "A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place."
3. Article V, Section 1-a(6)A of the Texas Constitution provides 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 upon the judiciary or administration of justice.

### CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Jerald Fowler, judge for the 115<sup>th</sup> Judicial District Court, Gilmer, Upshur County, Texas, failed to comply with the law when, on September 9, 2022, he operated a motor vehicle while intoxicated which resulted in a car accident that caused damage to others, in violation of Section 49.04(a) of the Texas Penal Code and Canon 2A of the Texas Code of Judicial Conduct. Judge Fowler's failure in this respect constituted willful conduct that cast public discredit upon the judiciary and the administration of justice, in violation of 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 protect the public and promote public confidence in the judicial system.

Issued this the 16 day of August, 2023.

  
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Gary Steel  
Chairman, State Commission on Judicial Conduct