



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 06-0451-JP

PUBLIC ADMONITION

**HONORABLE BOB WALL
JUSTICE OF THE PEACE, PRECINCT 2, PLACE 1
BROWNWOOD, BROWN COUNTY, TEXAS**

During its meeting on June 13-15, 2007, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas. Judge Wall was advised by letter of the Commission's concerns and provided a written response. Judge Wall appeared before the Commission on October 12, 2006 and June 13, 2007, 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 Bob Wall was Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas.

The Burnett Case

2. On or about January 4, 2005, a bench trial was scheduled to commence at 2 p.m. before Judge Wall in a criminal case involving defendant Burnett.
3. On that same day, Burnett's attorney and the County Attorney were appearing for a hearing in a parental rights termination case taking place in another courtroom across the hall from Judge Wall's courtroom.
4. When it appeared that the CPS case would not be completed in time for either Burnett's attorney or the County Attorney to handle the Burnett case pending in

Judge Wall's courtroom, steps were taken to notify Judge Wall of the conflict and a request was made to reset the case.

5. Upon learning that neither Burnett's attorney nor the County Attorney were going to appear for the 2 p.m. trial, Judge Wall appointed a local attorney as Special Prosecutor in the case against Burnett and proceeded to trial in the case.
6. In Burnett's absence, Judge Wall found her guilty of the offense and assessed a fine of \$500.
7. In his responses to the Commission's inquiry and in his testimony before the Commission, Judge Wall expressed that he often felt that the attorney for Burnett and the County Attorney did not treat him or his court with the proper respect. This disrespectful treatment, among other things, produced strong feelings of resentment especially toward the attorney for Burnett.

The Snider Case

8. On or about May 26, 2005, a hearing was held before Judge Wall regarding a citation issued to Mr. Snider for allegedly violating Section 341.037 of the Texas Health and Safety Code by discharging waste water onto the ground under a mobile home.
9. Snider was convicted of the offense, but was assessed no fine and was given additional time to comply with the law.
10. On or about June 22, 2005, Judge Wall was notified by an officer employed by the Brown County Water District that Snider was again violating the law by discharging effluent into unapproved storage tanks.
11. On that same day, defendant Snider received a "Show Cause-Constructive Contempt" summons from Judge Wall ordering him to appear in court the following day regarding his alleged violation of the court order issued by Judge Wall following the May 26 trial.
12. Snider's attorney was notified of the contempt proceedings on June 23, the day of the hearing, but was unable to make it to court on time or to convince the court to reset the hearing.
13. At the hearing, Snider was found in contempt for violating Judge Wall's May 26 order.
14. Snider was fined \$500 for the new violation and ordered to remove the storage tanks from the property before July 1, 2005 or face a \$100 per day civil penalty.
15. Snider was also fined \$100 for constructive contempt and ordered to install an acceptable septic system or face a \$500 per day civil penalty.
16. The order was subsequently appealed to the Brown County Court at Law.

The West Matter

17. On or about December 9, 2004, Judge Ray West, the Brown County Judge, heard an appeal from Judge Wall's decision to suspend a defendant's driver's license for 180 days.
18. Following a hearing, Judge West probated the suspension for 180 days.
19. Several months later, the defendant appeared before Judge Wall on another offense at which time Judge Wall learned that Judge West had probated the suspension of the defendant's driver's license.
20. In response to this information, Judge Wall wrote a letter to Judge West requesting a meeting to discuss various concerns expressed by Judge Wall regarding the handling of the appeal.
21. After Judge West declined to meet with him, Judge Wall issued a subpoena ordering Judge West to appear in his court on a date and time certain.
22. After a meeting with the Brown County Attorney, Judge Wall withdrew the subpoena.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: "A judge shall comply with the law . . ."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law]."
3. Canon 3B(5) of the Texas Code of Judicial Conduct states: "A judge shall perform judicial duties without bias or prejudice."
4. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Wall failed to comply with the law and demonstrated a lack of professional competence in the law by (a) finding defendant Burnett guilty in absentia; (b) failing to provide adequate notice for the show cause hearing in the contempt case against Snider or allowing Snider the opportunity to find counsel to represent him on such short notice; (c) issuing orders and fines that he had no authority to enforce against Snider pursuant to Section 341.037 of the Health and Safety Code; and (d) issuing a subpoena to compel the County Judge to appear before Judge Wall when no case or proceeding was pending. Judge Wall's actions in all of these matters constituted willful or persistent violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

Moreover, the Commission concludes that based on the history of resentment that had built up within Judge Wall toward the attorney representing Burnett, Judge Wall's decision to go forward with the criminal trial and find Burnett guilty in absentia when the judge knew her attorney and the prosecutor were in trial in a courtroom across the hall was a manifestation of the judge's bias or prejudice against Burnett's attorney, who he felt had routinely treated him without proper respect. As a result of this resentment toward Burnett's attorney, Judge Wall effectively barred Burnett and her counsel from exercising their legal right to be heard in the criminal case. In this regard, Judge Wall's actions in that case also constituted willful or persistent violations of Canons 3B(5) and 3B(8) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), 3B(5) and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

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

Issued this __13th__ day of _____July_____, 2007.

ORIGINAL SIGNED BY

Honorable Joseph B. Morris, Chair
State Commission on Judicial Conduct