



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 05-0854-JP

PUBLIC ADMONITION

**HONORABLE JIM L. POWERS
JUSTICE OF THE PEACE, PRECINCT 5
TIMPSON, SHELBY COUNTY, TEXAS**

During its meeting on May 11, 2006, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jim L. Powers, Justice of the Peace for Precinct 5, in Timpson, Shelby County, Texas. Judge Powers was advised by letter of the Commission's concerns and provided a written response. 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 Jim L. Powers was Justice of the Peace for Precinct 5, in Timpson, Shelby County, Texas.
2. On or about May 5, 2005, a political advertisement paid for by Judge Powers appeared in the *Timpson & Tenaha News*, directing voters to re-elect a candidate for the Timpson Independent School District school board.
3. In his written responses to the Commission inquiry, Judge Powers acknowledged that he had been asked by the school board candidate to read the article in question before it appeared in the newspaper.
4. According to the judge, he did not write the article, but did agree with the statements contained therein.
5. Judge Powers contended that it was his understanding that the article would appear as a Letter to the Editor signed by "Jim Powers." Although he allowed his name to be used as a private citizen, he was unaware that his title would be used or that the statements would appear in the form of a political advertisement.

6. Judge Powers went on to explain that he did not think he was doing anything wrong as a private citizen, but realized after the article was published that he had made an error in judgment.
7. The judge acknowledged that he took no action to correct the record or retract the statement after the newspaper was distributed.
8. Judge Powers concluded that he found himself “in an almost impossible position as a half term JP to be expected to be fully knowledgeable of all the do’s and don’ts required of a Justice of the Peace.”

RELEVANT STANDARDS

1. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; . . .”
2. Canon 5(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office,. . .”

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Powers violated Canons 2B and 5(2) of the Texas Code of Judicial Conduct by authorizing his name to be used in an endorsement of a candidate for public office. In reaching this conclusion, the Commission notes that it would have been immaterial if the advertisement in question had appeared as a “Letter to the Editor” signed by “Jim Powers,” a private citizen, since it can be assumed, given the small community in which Judge Powers holds elected office, that the voters in Timpson know that he is a judge whether he uses the title or not. While the Commission acknowledges that judges do have private lives and many of the rights afforded to private citizens, it remains an unavoidable consequence that, as a member of the judiciary, Judge Powers should expect to be the subject of public scrutiny, even in his private life, and should accept certain restrictions on his conduct that a private citizen might find burdensome. All judges, whether serving full-time or part-time, should accept these restrictions freely and willingly in order to enhance and maintain public confidence in the integrity, impartiality, and independence of the judiciary.

In condemnation of the above-recited conduct that violated Canons 2B and 5(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Jim L. Powers, Justice of the Peace for Precinct 5, in Timpson, Shelby County, Texas.

Pursuant to the authority contained in Article V, Section 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 the 9th day of June, 2006.

ORIGINAL SIGNED BY

Honorable Monica A. Gonzalez, Chair
State Commission on Judicial Conduct