



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 04-0435-CO

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE EDDIE J. VOGT
KENDALL COUNTY JUDGE
BOERNE, KENDALL COUNTY, TEXAS**

During its meeting in Austin, Texas, on October 13-15, 2004, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Eddie J. Vogt, County Judge, Boerne, Kendall County, Texas. Judge Vogt was advised by letter of the Commission's concerns and provided written responses. Judge Vogt appeared before the Commission on October 14, 2004, 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 Eddie J. Vogt was County Judge in Boerne, Kendall County, Texas.
2. Since assuming the bench as the Kendall County Judge on January 2, 2003, Judge Vogt has performed numerous judicial functions, including acting as a magistrate and performing weddings.
3. On May 29, 2003 and April 13, 2004, Judge Vogt filed a document entitled *Statutory Judicial Education Exemption Affidavit* with the Texas Association of Counties (TAC). Although called an "Affidavit," the document is neither sworn to nor verified.
4. The sole purpose of such document is to obtain an exemption from the requirement to obtain judicial education each year.

5. In each document, Judge Vogt claimed that his functions as County Judge were completely non-judicial and that he did not and would not perform any judicial functions.
6. As a result of this claim, TAC granted Judge Vogt an exemption from the requirement to obtain judicial education in fiscal years 2003 and 2004, allowing Judge Vogt to avoid any judicial training since assuming the bench as County Judge.
7. In his written response to the Commission's inquiry, Judge Vogt again asserted that he performed no judicial functions and, therefore, was not required to comply with the Texas Code of Judicial Conduct. In the same response, Judge Vogt acknowledged that he performed magistrations at the Kendall County Jail, but insisted that magistrations were not a judicial function.
8. After being placed on notice by the Commission's inquiry into this complaint that magistrations were judicial functions, Judge Vogt contacted TAC for clarification. Although officials at TAC confirmed that his duties as a magistrate were a judicial function, Judge Vogt remained unconvinced that he was performing a judicial function by acting as a magistrate or by performing weddings.
9. In his testimony before the Commission, Judge Vogt acknowledged that while he served as a justice of the peace, he performed magistrations at the Kendall County Jail and performed weddings.
10. Judge Vogt further testified that when he served as a justice of the peace, he attended judicial education programs each year as required by law.
11. Throughout his testimony before the Commission, Judge Vogt demonstrated a lack of professional competence in the law regarding whether his acting as a magistrate and performing weddings were judicial functions.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "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]."

CONCLUSION

The Commission concludes from the facts and evidence presented that by failing to recognize or accept the fact that he performs a judicial function when he magistrates inmates and performs weddings, Judge Vogt has not maintained professional competence in the law. By clinging to the untenable position that he has not been performing judicial functions, Judge Vogt has failed to comply with the law requiring judges to obtain judicial education each year. Because continuing judicial education serves an important purpose in terms of enhancing public confidence in the integrity, independence, and

impartiality of a competent judiciary, it would be counterproductive for a judge to attempt to thwart this intended purpose by taking steps calculated to avoid having to obtain such education. The Commission concludes that Judge Vogt's actions in this case were willful and persistent violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Eddie J. Vogt, County Judge, Boerne, Kendall County, Texas.

Pursuant to this Order, Judge Vogt must complete sixteen (16) hours of judicial education on or before **December 31, 2004**. It is Judge Vogt's responsibility to contact the Texas Association of Counties and schedule the education.

Upon the completion of this training, Judge Vogt is hereby directed to provide documentation from the Texas Association of Counties certifying his completion of the education. In addition, Judge Vogt shall sign and return the Respondent Judge Survey indicating compliance with this Order. These records shall be delivered to the Commission no later than **January 10, 2005**.

Failure to complete the required education and comply with the terms of this Order in a timely manner shall constitute a failure to cooperate with the Commission and may result in further Commission action.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

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 2 day of November, 2004.

ORIGINAL SIGNED BY

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