

Opinion issued May 18, 2009.



DOCKET NO. A-2009-1

REVIEW TRIBUNAL OF TEXAS

IN RE HONORABLE BRUCE PRIDDY,
JUDGE, 116TH JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

OPINION

This is a review of the State Commission on Judicial Conduct's (the Commission's) Order of Public Warning against respondent, the Honorable Bruce Priddy, Judge of the 116th Judicial District Court in Dallas County, for violations of the Texas Constitution, the Texas Government Code, and the Texas Code of Judicial Conduct. The Commission determined that Judge Priddy committed these violations in connection with its factual findings that (1) Judge Priddy engaged in wilful and persistent conduct as defined in Section 33.001(b) of the Texas Government Code in failing to file numerous financial reports, as the Judicial Campaign Fairness Act requires; and (2) Judge Priddy failed to cooperate with the commission's investigation, as Section 33.001(b)(5) of the Texas Government Code requires. *See* TEX. GOV'T CODE ANN. § 33.001(b) (Vernon 2004). Judge Priddy appeals the Commission's Order. Pursuant to the Government Code, the Chief Justice of the Texas Supreme Court appointed the undersigned justices to sit as a Special Court of Review to

conduct a trial de novo of these matters, Justice Hancock, presiding. *See* TEX. GOV'T CODE ANN. § 33.034(a), (c), (e) (Vernon 2004). Based on the evidence presented, we find that (1) Judge Priddy has engaged in willful and persistent conduct that is clearly inconsistent with the proper performance of his duties as a judge, casting public discredit on the judiciary in violation of Article V, §1-(6)A of the Texas Constitution and §33.001(b)(5) of the Texas Government Code; and (2) Judge Priddy violated Canons 2A, 4I(2), and 5(4) of the Texas Code of Judicial Conduct. We therefore affirm the Commission's decision to issue a Public Warning to Judge Priddy.

Facts and Procedural History

On January 1, 2007, Judge Priddy took office as a district judge. While running for election during 2006 and after being elected in 2007, Judge Priddy was required to file certain financial reports relating to his campaign receipts and expenditures and annual personal financial statements. These reports are required by the Judicial Campaign Fairness Act (JCFA), incorporated in the Texas Election Code. *See generally*, TEXAS ELECTION CODE, Title 15: Regulating Political Funds and Campaigns (Vernon 2003 & Supp. 2008). Despite his written consent to comply with JCFA, Judge Priddy did not timely file at least eight reports: financial reports due July 17, 2006, October 10, 2006, October 30, 2006, January 16, 2007, July 16, 2007, January 15, 2008, and personal financial statements due April 30, 2007 and April 30, 2008. After repeated attempts to contact Judge Priddy about the delinquent reports, the Texas Ethics Commission (TEC), the state agency charged with enforcing the JCFA, referred the matter to the Office of the Attorney General. The Attorney General filed suit against Judge Priddy for failing to file the reports, and sought the fines associated with his failure to file the reports and its reasonable attorney's fees. Judge Priddy did not respond to the suit, and on June 13, 2007, a state district court in Travis County entered a default judgment against him

for \$30,500, plus interest. Judge Priddy continued to ignore the requirements of filing reports, causing the Office of the Attorney General, on behalf of the TEC, to file a second suit against him, resulting in a second Travis County judgment of \$4,400, rendered on July 30, 2008.

In September 2007, after proceedings in the first suit had concluded and proceedings before the Commission had begun against him, Judge Priddy finally filed a number of the delinquent reports with the TEC. Currently, however, the TEC has a third suit pending in Travis County against Judge Priddy for his failure to timely file his 2008 Personal Financial Statement.¹ That suit is ongoing. Judge Priddy's failure to file his financial reports, as required by law, has received media attention in the Dallas County area.

In response to a complaint filed with it about these matters, the Commission opened its investigation, and sent correspondence to Judge Priddy requesting a response to allegations that he had violated the JCFA and the Texas Code of Judicial Conduct by failing to file required reports. During this period, the Commission requested in writing, and by several letters, emails, and telephone calls, that Judge Priddy respond to the complaint against him, and answer written interrogatories directed to him by the Commission on the matter. Judge Priddy refused, forcing the Commission to issue written subpoenas compelling his attendance and cooperation at hearings before the Commission. Under threat of subpoena, Judge Priddy appeared to answer questions before the commission during hearings conducted on August 21, 2008 and October 16, 2008.

The Commission concluded that Judge Priddy had violated the Texas Government Code, the Texas Code of Judicial Conduct, and The Texas Constitution by willfully and persistently violating

¹ That suit is styled *The State of Texas v. Priddy*, Docket No. D-1-GV-08-002311, In the District Court of Travis County, Texas. The matter is set for trial on July 15, 2009.

the JCFA on multiple occasions, receiving public attention generally discrediting the judiciary, and failing to cooperate with the Commission in its investigation. As a sanction, it issued its Public Warning on December 18, 2008. Judge Priddy requested the appointment of a special court of review to hear the matter de novo. On May 4, 2009, this Special Court of Review convened to hear this matter. The Commission presented its case, and Judge Priddy appeared and testified.

Relevant Law

Article V, section 1-a(6)A of the Texas Constitution provides that a judge may be disciplined for willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or that casts public discredit on the judiciary. “Willful or persistent conduct” that violates the constitution includes a willful violation of a provision of the Texas Code of Judicial Conduct. *See* TEX. GOV’T CODE ANN. § 33.001(b)(2) (Vernon 2004). It also includes a failure to cooperate with the Commission in its investigation. *See id.* at § 33.001(b)(5). The Texas Code of Judicial Conduct requires that “[a] judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” *See* TEX. CODE JUD. CONDUCT, Canon 2A, *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G app. B (Vernon 2005). More specifically, the Judicial Conduct Code provides that “[a] judge shall file financial reports and other reports as required by law.” *Id.* at Canon 4I(2).

Discussion

Judge Priddy admits that he failed to timely file the reports, as discussed above, and further admits that he failed to appear in the suits brought against him for enforcement of the provisions of the Election Code. In the newspapers, and to a lesser extent before the commission and this court, Judge Priddy seeks to excuse this conduct by claiming (1) he had a mistaken impression that he did

not need to file the required reports because he did not raise or expend campaign funds during some of the relevant time periods; (2) he is uncomfortable with the prospect of a judge raising campaign funds from the lawyers who appear before him in his court; and (3) he has general concerns about the infringement such reporting requirements place on an independent judiciary. We find these excuses not credible in this case. We note that Judge Priddy continued to refuse to file campaign finance reports and his personal financial statements even after he admittedly raised sums in excess of \$50,000, and his testimony and late-filed reports disclose campaign contributions made to him even before the TEC had assessed fines against him (his claimed basis for then deciding to raise campaign contributions). In addition, Judge Priddy failed to ever raise these objections with either the TEC as reasons for his refusal to file the reports, or with the Commission as a defense to the complaint against him, until he was subpoenaed to appear in these proceedings. This is not a case of a simple mistake, corrected with a late filed report, or of a good faith effort to test the legitimacy of the campaign finance laws. It is, instead, a willful and consistent failure to comply with the obligations of the law and of the office that Judge Priddy has assumed. Judge Priddy compounded this failure when he refused to cooperate with the Commission in its investigation.

At the hearing, the Commission also adduced evidence that, in the months since taking office, the State Bar of Texas has suspended Judge Priddy's license to practice law for conduct related to his law practice before he took the bench,² and that he has been charged with driving under the

² On March 26, 2009, The Commission for Lawyer Discipline issued a Judgment of Active Suspension against Judge Priddy for a period of thirty months beginning April 1, 2009. *See Commission for Lawyer Discipline v. Priddy*, Case No. D0070630033, before the District 6A Grievance Committee, Evidentiary Panel 6A-1, available from the State Bar of Texas (March 26, 2009). Judge Priddy represented to our court that he has appealed the suspension of his law license. In addition, the State Commission on Judicial Conduct represented to our court that it does not prosecute judges for law license suspensions, leaving the matter to the Commission for Lawyer Discipline.

influence. Before the Commission, Judge Priddy pleaded various physical and mental health issues as perhaps distracting him from compliance with his various judicial reporting requirements, responding to the TEC lawsuits, and as a contributing factor to the DUI charge and the state bar license suspension. Though beyond the scope of this review panel to require it, we urge Judge Priddy to seek medical attention to properly treat these issues in an effort to avoid further problems in the performance of his judicial office. We note that, should evidence of physical or mental incapacity later be adduced, the Commission may further investigate. *See* TEX. GOV'T CODE ANN. § 33.023 (Vernon 2004).

Conclusion

We conclude that Judge Priddy's conduct, as detailed above, violated the Texas Code of Judicial Conduct and, thus, the Texas Government Code and the Texas Constitution. We therefore affirm the Commission's order issuing a PUBLIC WARNING to Judge Priddy, instruct him to timely file all future financial reports with the TEC and to rectify his past conduct by immediately filing any reports that have not yet been filed and by paying all fines and judgments associated with these matters against him.

PER CURIAM

Special Court of Review consists of Presiding Justice Hancock,³ Justice Yanez,⁴ and Justice Bland.⁵

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The Honorable Mackey Hancock, Justice, Court of Appeals, Seventh District of Texas at Amarillo, presiding by appointment.

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The Honorable Linda Yanez, Justice, Court of Appeals, Thirteenth District of Texas at Edinburg, participating by appointment.

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The Honorable Jane Bland, Justice, Court of Appeals, First District of Texas at Houston, participating by appointment.