

Opinion Issued May 9, 2017



DOCKET NO. SCR 17-0001
SPECIAL COURT OF REVIEW
IN RE HONORABLE RUSSELL B. CASEY

=====

OPINION

The State Commission on Judicial Conduct (the “Commission”) alleged that Judge Russell B. Casey engaged in an improper sexual relationship with his former chief clerk, Martha Kibler, and that Judge Casey’s conduct violated section 1-a(6)A of article V of the Texas Constitution, *see* Tex. Const. art. V, § 1-a(6)A, and Canon 3B(4) of the Texas Code of Judicial Conduct, *see* Texas Supreme Court, Code of Judicial Conduct Canon 3B(4), *reprinted in* Tex. Gov’t Code, title 2, sub. G, appendix B. After convening an informal hearing, the Commission determined that Judge Casey should be publicly reprimanded.¹ Following that determination, Judge Casey requested a review of the Commission’s decision, and the Supreme Court selected a court of review.² *See* Tex. Gov’t Code § 33.034 (authorizing judge who receives “a sanction or censure”

¹ Initially, the Commission alleged that Judge Casey’s actions also violated Canon 2A, which requires a judge “to comply with the law and [to] act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” *See* Texas Supreme Court, Code of Judicial Conduct Canon 2A, *reprinted in* Tex. Gov’t Code, title 2, sub. G, appendix B. Although a violation of that canon served as a basis for the Commission’s reprimand, the Commission explained in its briefing to this Court that it is “not seeking a finding . . . regarding a violation of Canon 2A” in this proceeding.

² The Special Court of Review consists of The Honorable David Puryear, Justice of the Third Court of Appeals, presiding by appointment; The Honorable Kevin Jewell, Justice of the Fourteenth Court of Appeals, participating by appointment; and the Honorable Ken Wise, Justice of the Fourteenth Court of Appeals, participating by appointment.

to seek “review of the commission’s decision,” discussing scope of review, and setting out procedures for selecting court of review).

After the court of review was selected, the Commission filed its charging document alleging that Judge Casey’s conduct violated the canon of judicial conduct and the constitutional provision listed above. *See id.* § 33.034(d) (requiring Commission to file “charging document” “[w]ithin 15 days after the appointment of the court of review”). The parties then agreed to and filed a joint stipulation of facts and filed a joint motion requesting the court of review to forgo the scheduled trial de novo and to allow the parties to present the case on briefs. Having considered the parties’ arguments and having reviewed the stipulation of facts and accompanying exhibits, the court of review issues this timely decision and affirms the Commission’s decision. *See id.* § 33.034(h) (setting out deadline for issuing decision); Tex. R. Rem’l/Ret. Judg. 9(d) (specifying that decision by special court of review “may include dismissal, affirmation of the Commission’s decision, imposition of a lesser or greater sanction, or order to the Commission to file formal proceedings”).

BACKGROUND

Judge Casey was elected as a justice of the peace for Tarrant County and began serving in that capacity in 2007. Kibler had worked for the previous justice of the peace and ultimately served as the chief clerk and court manager for Judge Casey. After Judge Casey initiated termination proceedings against Kibler in August 2014, Kibler made a report to the human resources department for Tarrant County; filed a federal lawsuit against Judge Casey alleging, among other things, that Judge Casey sexually harassed her; and made a report to the district attorney’s office

that Judge Casey had sexually assaulted her.³ As part of the federal lawsuit, Judge Casey and Kibler both gave testimony through depositions.

In his testimony regarding the federal lawsuit, Judge Casey admitted to having a sexual relationship with Kibler. When discussing how the relationship started, Judge Casey stated that several years ago, perhaps as early as 2008, he and Kibler were working “after hours,” that the two of them began discussing how long it had been since either of them had had sex, that Kibler offered to and then performed oral sex on him, and that the incident occurred in Kibler’s office at the courthouse. When describing other encounters, Judge Casey stated that he asked Kibler to perform oral sex on him “over the course of the years,” estimated that she performed oral sex “less than 10” times, related that Kibler refused “four or five times,” explained that he inserted his penis into Kibler’s vagina on two occasions, and recalled that the last sexual encounter occurred in June 2014, and Judge Casey also explained that these encounters always occurred at the courthouse or at a conference related to court business and admitted that the courthouse was county property. Regarding the reasons why he initiated termination proceedings against Kibler, Judge Casey testified that he attempted to fire Kibler in August 2014 after discovering that Kibler had been “asking one of her subordinates to” approve her mileage and “claiming money that did not belong to her.” In addition, Judge Casey testified that he later told county auditors that he believed that Kibler “was using” court “deposits for her own personal use.” Finally, Judge Casey admitted that he denied the relationship when he was first asked about it by human resources because he was embarrassed.

³ A grand jury was called regarding the sexual-assault allegations, but the grand jury decided not to indict Judge Casey.

In her deposition, Kibler also described the sexual incidents that occurred between her and Judge Casey. Regarding the first incident, Kibler explained that in 2009, Judge Casey closed the door to her office while the other employees were in a nearby office, locked the door, told her how good he treated her, sat down, “took his penis out,” pulled his pants down, asked her to “just do that,” and stated that if she did, “he would never ask [her] again.” When describing the incident, Kibler said that she was in shock, that she told him to “put the penis up,” that she headed to the door, that she unlocked the door, and that she opened the door a crack. Next, Kibler recalled that Judge Casey pulled his pants up, walked to the door, locked it again, and told her, “let’s talk.” Further, Kibler related that Judge Casey began saying that people in the office “disliked” her and “wanted [her] fired,” that he was the only reason that she still “had this job,” and that she would continue to have a job “as long as he was in office.” In addition, Kibler testified that Judge Casey began discussing how long it had been since he had sex, pulled out his penis one more time, and told her that if she did “it this one time, . . . I will never bother you again.” Further, Kibler recalled that Judge Casey grabbed her hand, put her hand “on his penis,” and “pushed [her] head down there,” and Kibler described performing oral sex on Judge Casey. When explaining what happened afterwards, Kibler testified that she started crying, that Judge Casey told her “to compose [her]self before leaving,” and that she went to the restroom and “threw up.”

During her testimony, Kibler explained that after the first incident and during the period starting in December 2009 or 2010 and ending in August 2014, Judge Casey regularly exposed himself to her at the office, made similar statements about Kibler being able to keep her job if she did what he asked, and asked her to perform oral sex on him, including one time while he was wearing his judge’s robe. Kibler also described how if she refused to submit to the requests, Judge Casey would be very hostile toward her, yell at her at work, call her “a horrible court manager,”

and tell her that she “didn’t do anything right.” Moreover, she testified that Judge Casey’s demands increased over the years and that he began asking Kibler to have vaginal intercourse as well. When describing the number of sexual encounters, Kibler stated that there were twenty encounters in total, that two of them involved vaginal intercourse, and that the remainder involved oral sex. In addition, she related that the last sexual act occurred in 2013 when she told him that she would no longer have any sexual interactions with him but that Judge Casey continued to ask her to perform sexual acts, that she would decline the advances and leave the office, that Judge Casey tried to initiate a final encounter during work hours at the court in August 2014 by pulling out his penis and putting her hands on it, that she refused his advance and said “no more,” that she “bolted out” of the office, and that Judge Casey tried to fire her just a few days later. Finally, Kibler testified that when Judge Casey stated that he was going to fire her, he never mentioned any issue with her making improper mileage reimbursement claims.

After Kibler filed her lawsuit, a newspaper ran a story about the allegations, and in response, the Commission began an investigation into the matter and later convened an informal hearing regarding the accusations against Judge Casey.⁴ During that hearing, Judge Casey testified that he and Kibler would flirt with one another, that they were in a consensual sexual relationship, that he did receive oral sex from Kibler but did not have sexual intercourse with her, that it happened approximately ten times over several years, that Kibler usually initiated it, that the sexual activity occurred “[i]n the court offices,” that it occurred “after hours” and “during business hours” “a couple of times,” and that it ended in September 2013. In his testimony, Judge Casey denied that any sexual activity occurred while he was wearing his judge’s robe and denied that he attempted to fire Kibler after she refused his sexual advances; on the contrary, Judge Casey

⁴ The federal lawsuit was dismissed before the informal hearing after the parties entered into a settlement agreement.

asserted that he learned “that she was claiming mileage that in [his] opinion she was not entitled to” and that he placed her on administrative leave for that reason. In addition, Judge Casey testified that after Kibler was placed on administrative leave, a court audit revealed that 81 deposits had been mishandled, that Kibler was in charge of making the deposits, and that Kibler told the district attorney’s office that she had been sexually assaulted after she learned about the results of the audit.

During his testimony, Judge Casey stated that he regretted getting involved with someone who he worked with and asserted that he would never put himself “in a position like this again.” Further, he admitted that a relationship with court staff would be inappropriate even if it were consensual and that his actions “would affect people’s view towards me and in that way their view towards the court,” “did not serve the public perception of the judiciary well,” and “could cause a poor reflection,” and Judge Casey agreed that engaging in these acts at the court during court hours was “particularly inappropriate” and that an employee “subject to” “a person in a position of power . . . may not feel able to truly express their feelings” regarding requested sexual activity.

After the informal hearing, the Commission determined that Judge Casey’s conduct violated Canon 3B(4) of the Texas Code of Judicial Conduct and section 1-a(6)A of article V of the Texas Constitution and issued a public reprimand. Following that ruling, Judge Casey initiated a review of the Commission’s decision. *See* Tex. Gov’t Code § 33.034. The parties filed a joint stipulation regarding facts and regarding the record to be considered in this review, including the admission of the testimony summarized above. Those stipulations read as follows:

A. Agreed Stipulations of Fact

1. At all times relevant hereto, the Honorable Russell B. Casey was Justice of the Peace for Precinct 3, Place 1 in Hurst, Tarrant County, Texas.
2. Judge Casey was named in a federal lawsuit filed by his former chief clerk, Martha Kibler, who accused the judge of sexually harassing her from 2009 through 2014 (attached as Exhibit A, provided solely for the Court's reference).
3. Judge Casey denied many of the allegations (attached as Exhibit B, provided solely for the Court's reference).
4. Between 2009 and 2014, Judge Casey requested and received oral sex from Kibler approximately ten times, often in court offices.
5. In August 2014, Judge Casey sought to terminate Kibler's employment, citing inappropriate financial conduct revealed by a financial audit by the Tarrant County Auditor's office.
6. Judge Casey has consistently described his sexual relationship with Kibler as "consensual."

B. Agreed Evidentiary Stipulations

1. The testimony contained in the deposition transcripts of Judge Casey and Martha Kibler, along with all exhibits attached thereto (attached as Exhibits C and D, respectively), are admissible for all purposes.
2. The transcript of Judge Casey's appearance before the Commission (attached as Exhibit E) from December 8, 2016 is admissible for all purposes.
3. The 2014 Tarrant County Audit results (attached as Exhibit F) is admissible for all purposes.
4. Ten pictures of Judge Casey's office and door (attached as Exhibit G) are admissible for all purposes.
5. The July 30, 2014 Letter of Appointment from County Judge Glen Whitley (attached as Exhibit H) is admissible for all purposes.

After filing the joint stipulation, the parties filed a joint motion requesting the court of review to forgo the trial and to allow the parties to present the case on briefs.

GOVERNING LAW

The Texas Constitution states that a judge is subject to discipline “for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or 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.” Tex. Const. art. V, §1-a(6)(A). “Willful conduct requires a showing of intentional or grossly indifferent misuse of judicial office, involving more than an error of judgment or lack of diligence.” *In re Sharp*, 480 S.W.3d 829, 833 (Tex. Spec. Ct. Rev. 2013). “A judge need not have specifically intended to violate the Code of Judicial Conduct; a willful violation occurs if the judge intended to engage in the conduct for which he or she is disciplined.” *Id.* “After such investigation as it deems necessary, the Commission may in its discretion issue a private or public admonition, warning, reprimand, or requirement that the person obtain additional training or education,” or “institute formal proceedings . . . concerning a person holding” a judicial office. Tex. Const. art. V, § 1-a(8).

“Except as otherwise provided by this section, the procedure for the review of a sanction issued in an informal proceeding is governed to the extent practicable by the rules of law, evidence, and procedure that apply to the trial of civil actions generally.” Tex. Gov’t Code § 33.034(f). Accordingly, the Commission has “the burden to prove the charges against” Judge Casey “by a preponderance of the evidence.” *In re Sharp*, 480 S.W.3d at 833; *see In re Hecht*, 213 S.W.3d 547, 560 (Tex. Spec. Ct. Rev. 2006). The review undertaken “of a sanction issued in an informal proceeding is by trial de novo.” Tex. Gov’t Code § 33.034(e)(2).

DISCUSSION

Scope of Stipulations

As an initial matter, we note that in his brief, Judge Casey primarily focuses on his argument that by entering into the stipulation of the six facts listed above, “[t]he parties agreed these stipulations encompass . . . the universe of pertinent facts and admissible evidence relative to the case.” In other words, Judge Casey contends that this Court may not consider the transcripts and other exhibits listed above in the agreed stipulation of evidence and must make its ruling on whether he violated Canon 3B(4) and section 1-a(6)(A) of article V of the Texas Constitution by applying the governing law to the six statements listed in the stipulation of facts. For the reasons that follow, we disagree with Judge Casey’s limited view of the stipulations.

When presenting this claim, Judge Casey refers to the Rule of Civil Procedure allowing parties to “submit matters in controversy to the court upon an agreed statement of facts,” *see* Tex. R. Civ. P. 263, and to cases applying that rule as support for his argument that “[o]nce the parties stipulate to all the facts, the court may not make additional fact findings,” *see State Bar of Tex. v. Faubion*, 821 S.W.2d 203, 205 (Tex. App.—Houston [14th Dist.] 1991, writ denied) (providing that when case is “submitted to the court upon an agreed stipulation under Rule 263,” “[t]he trial court and the reviewing court may not . . . find any facts not conforming to the agreed statement”); *Lambda Constr. Co. v. Chamberlin Waterproofing & Roofing Sys., Inc.*, 784 S.W.2d 122, 125 (Tex. App.—Austin 1990, writ denied) (noting “that appellants and appellee stipulated to all of the material facts of the case during a telephone hearing with the presiding judge”); *Sharyland Water Supply Corp. v. Hidalgo Cty. Appraisal Dist.*, 783 S.W.2d 297, 298 (Tex. App.—Corpus Christi 1989) (explaining that in cases “rendered on stipulated facts,” “[t]he trial court and

reviewing courts are limited to such agreed facts”), *aff’d sub nom.*, *North Alamo Water Supply Corp. v. Willacy Cty. Appraisal Dist.*, 804 S.W.2d 894 (Tex. 1991).⁵

However, none of those cases seem to have involved a situation in which parties filed a stipulation of facts as well as a stipulation regarding evidence that will be introduced as part of the proceeding. Moreover, the appellate court in *Faubion* explained that the general rule prohibiting additional fact finding is subject to the exception in which the parties “provided otherwise in the agreed statement.” 821 S.W.2d at 205. In this case, the language of the stipulation itself indicates that the parties intended for this Court to consider the six stipulated facts as well as the evidentiary stipulations, which the parties agreed were “admissible for all purposes.” Accordingly, the language of the stipulation at issue here demonstrates that the parties agreed otherwise, and we will consider the stipulated and attached exhibits in resolving this case.

Section 1-a(6)(A) of Article V of the Texas Constitution

As discussed previously, the Commission alleged that Judge Casey’s conduct violated section 1-a(6)(A) of article V of the Texas Constitution. Section 1-a(6)(A) provides, in relevant

⁵ In his brief, Judge Casey also points to additional cases when urging this Court not to consider the evidence submitted as part of this case; however, none of the cases suggest that agreed evidentiary stipulations may not be considered even though the parties agreed that they were admissible, and all of them are distinguishable from the present case. *See Markel Ins. Co. v. Muzyka*, 293 S.W.3d 380, 384, 385 (Tex. App.—Fort Worth 2009, no pet.) (overruling issue regarding findings of fact because case was decided “on an agreed statement of facts,” because appellate courts “disregard any findings of fact” filed in agreed cases, and therefore, because “the trial court’s act of making findings of fact cannot be a ground for reversal on appeal”); *International Union, United Auto., Aerospace Agric. Implement Workers of Am.—UAW v. General Motors Corp.*, 104 S.W.3d 126, 129, 130 (Tex. App.—Fort Worth 2003, no pet.) (noting that trial court ruled on agreed statement of facts and that “[w]here the trial court rules without determining questions of fact, . . . requests for findings of fact and conclusions of law are neither appropriate nor effective for extending appellate deadlines” and concluding that request for findings of fact and conclusions of law did “not extend the thirty-day deadline for perfecting the appeal”); *Port Arthur Indep. Sch. Dist. v. Port Arthur Teachers Ass’n*, 990 S.W.2d 955, 958 (Tex. App.—Beaumont 1999, pet. denied) (dismissing suit “for want of jurisdiction” because case was decided “on facts agreed to by the parties” and, therefore, because “request for findings of fact and conclusions of law did not operate to extend the time for perfecting appeal”); *Reed v. Valley Fed. Sav. & Loan Co.*, 655 S.W.2d 259, 264 (Tex. App.—Corpus Christi 1983, writ ref’d n.r.e.) (explaining that “the trial court and the reviewing court are limited to the agreed facts and cannot make any findings of fact which do not conform to the stipulated facts” and overruling issue asserting “that the trial court erred in not filing requested Findings of Fact and Conclusions of Law” because neither need be filed in stipulated case).

part, that a judge may be sanctioned for “willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice.” Tex. Const. art. V, § 1-a(6)(A).

The stipulated facts and the testimony summarized above demonstrate that Judge Casey engaged in a sexual relationship with his subordinate employee, Kibler, over a period of time lasting several years; that on at least ten occasions during that time period, Kibler performed oral sex on Judge Casey after Judge Casey asked her to; that many of those sexual interactions occurred at the courthouse, which is public property; and that many of those interactions occurred during court hours with other employees present in an adjacent office. That evidence established repeated, long-standing, and intentional actions on the part of Judge Casey that amounted to “misuse[s] of” his “judicial office, involving more than an error of judgment or lack of diligence.” *See In re Sharp*, 480 S.W.3d at 833. Moreover, the evidence established, as conceded in his own testimony, that Judge Casey’s actions painted a negative image of the judiciary and on the administration of justice. When discussing the actions that happened at the courthouse during court hours, Judge Casey agreed that the conduct was “particularly inappropriate.” Accordingly, we conclude that the Commission established by a preponderance of the evidence that Judge Casey violated section 1-a(6)(A) through willful conduct that was inconsistent with the proper performance of his duties and that cast public discredit on the judiciary. *See* Tex. Const. art. V, § 1-a(6)(A); *see also In re Canales*, 113 S.W.3d 56, 73-74 (Tex. Spec. Ct. Rev. 2003) (discussing allegations that judge “in his judicial capacity, and in his judicial chambers,” made sexual advances on two women and concluding that “[t]he actions of a judicial officer in pursuing such advances, in chambers, as to another individual regardless of whether the victim is a public servant or the pregnant daughter of the court bailiff, is to be condemned”).

Canon 3B(4)

In addition to arguing that Judge Casey's conduct violated the Texas Constitution, the Commission also alleged that his conduct violated Canon 3B(4), which provides as follows: "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control." Tex. Code Judicial Conduct Canon 3B(4).

As set out above, the stipulated evidence and testimony established a long-lasting sexual relationship between Judge Casey and his employee, Kibler, with whom Judge Casey regularly interacts with in an official capacity. According to Judge Casey's testimony, the relationship was consensual, but Judge Casey also stipulated that he asked Kibler to perform oral sex on him and that the sexual encounters occurred at the court office. Moreover, Kibler testified that Judge Casey initiated all of the sexual activity, that she did not want to engage in the activities, that she submitted because Judge Casey communicated that compliance was necessary for her continued employment, and that Judge Casey would treat her poorly and yell at her if she refused his advances. In resolving the conflicts in the evidence, we are aided by Judge Casey's admission that he lied about the existence of the sexual relationship when he was questioned by human resources, by Judge Casey's recognition during the informal hearing that an employee who is involved in a sexual relationship with her boss might not be able to fully state her feelings regarding her desire to engage in the requested sexual activity, and by the inconsistencies between Judge Casey's testimony in the federal lawsuit and in the informal hearing regarding whether he had sexual intercourse with Kibler.

For these reasons, we conclude that the Commission established by a preponderance of the evidence that Judge Casey violated Canon 3(B)(4) by failing to treat Kibler in a courteous and dignified manner.

Sanction

In addition to challenging the Commission's determinations that he violated Canon 3(B)(4) and section 1-a(6)(A), Judge Casey also asserts that the public reprimand imposed by the Commission was improper and that this Court should instead impose a private reprimand. *See* Tex. R. Rem'l/Ret. Judges 9(d).

“The purpose of sanctions in cases of judicial discipline is to preserve the integrity and independence of the judiciary and to restore and reaffirm public confidence in the administration of justice.” *In re Barr*, 13 S.W.3d 525, 560 (Tex. Spec. Ct. Rev. 1998) (quoting *In re Kneifl*, 351 N.W.2d 693, 700 (Neb. 1984)). “The discipline we impose must be designed to announce publicly our recognition that there has been misconduct; it must be sufficient to deter respondent from again engaging in such conduct; and it must discourage others from engaging in similar conduct in the future.” *Id.* (quoting *In re Kneifl*, 351 N.W.2d at 700).

When determining what sanction is appropriate, courts have often considered the following factors:

(a) whether the misconduct is an isolated instance or evidenced a pattern of conduct; (b) the nature, extent and frequency of occurrence of the acts of misconduct; (c) whether the misconduct occurred in or out of the courtroom; (d) whether the misconduct occurred in the judge's official capacity or in his private life; (e) whether the judge has acknowledged or recognized that the acts occurred; (f) whether the judge has evidenced an effort to change or modify his conduct; (g) the length of service on the bench; (h) whether there have been prior complaints about this judge; (i) the effect the misconduct has upon the integrity of and respect for the judiciary; and (j) the extent to which the judge exploited his position to satisfy his personal desires.

In re Deming, 736 P.2d 639, 659 (Wash. 1987); see *In re Rose*, 144 S.W.3d 661, 733 (Tex. Spec. Ct. Rev. 2004) (referring to factors identified in *Deming*). “Misconduct that is part of a pattern or practice is more serious than an isolated instance of misconduct.” *In re Rose*, 144 S.W.3d at 733 (quoting *In re Brown*, 626 N.W.2d 403, 405 (Mich. 2001)).

Although Judge Casey did admit that his behavior was inappropriate, that he regretted it, and that it would not ever occur again and although the record does not contain evidence showing that any similar formal complaints had been made regarding Judge Casey’s conduct, we believe that the remainder of the factors listed above weigh in favor of, at a minimum, a public reprimand. The stipulated facts and the testimony established that the misconduct was not an isolated incident but was instead a pattern of conduct occurring over many of the years in which he has served as a judge. Furthermore, Kibler testified that there were twenty sexual interactions, and Judge Casey stipulated that “he requested and received oral sex from Kibler approximately ten times.” Although the misconduct did not occur in the actual courtroom, the misconduct did occur in the courthouse offices and often during work hours. Moreover, Kibler testified that Judge Casey used his role as a judge and as her employer to receive sexual favors, and as set out above and as agreed to by Judge Casey, his actions undermined the respect that citizens have for the judiciary. “This pattern of behavior is fundamentally inconsistent with the high standards by which a judge must conduct himself.” See *In re Sharp*, 480 S.W.3d at 841.

“Accordingly, to preserve the integrity and independence of the judiciary, to restore and reaffirm public confidence in the administration of justice, and in recognition that judges must respect and honor the judicial office as a public trust, we conclude that a public reprimand is appropriate.” See *id.* at 842; see also *In re Canales*, 113 S.W.3d at 73, 74 (removing judge from office for “forcibly kissing and fondling two young women” because sanction “is appropriate to

protect the citizens of Texas and certainly is not excessive”). After considering the stipulated facts, the testimony, and the parties’ briefing, we believe, consistent with the Commission’s determination, that a public reprimand against Judge Casey is warranted “for his violations of the Code of Judicial Conduct and the Texas Constitution.” *See In re Sharp*, 480 S.W.3d at 842.

CONCLUSION

For the reasons discussed above, we find that Judge Casey willfully violated Canon 3(B)(4) of the Code of Judicial Conduct and section 1-a(6)(A) of article V of the Texas Constitution. For those violations, we affirm the determination by the Commission that Judge Casey be sanctioned and issue the following sanction: Public Reprimand.

SPECIAL COURT OF REVIEW