



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 19-0070

**PUBLIC WARNING
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE WILLIAM C. BOSWORTH, JR.
413TH JUDICIAL DISTRICT COURT
CLEBURNE, JOHNSON COUNTY, TEXAS**

During its meeting on December 4-5, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable William C. Bosworth, Jr., 413th Judicial District Court, Cleburne, Johnson County, Texas. Judge Bosworth was advised by letter of the Commission's concerns and provided a written response. Judge Bosworth appeared before the Commission on October 5, 2020 and gave testimony.

BACKGROUND

Beginning in 2013, Judge Bosworth presided over a civil matter in Case No. C201300287, *Elizabeth Helen Scott & Ronny Eugene Scott v. Jon C. Carpenter, et. al.* (the "1st Case"), in which the parties were litigating a dispute related to residential real property. On December 11, 2014, the defendants filed a Suggestion of Bankruptcy related to a bankruptcy filing by plaintiff, Elizabeth Helen Scott.

On March 17, 2015, Judge Bosworth entered an Order of Case Closing in the 1st Case based on the Suggestion of Bankruptcy filed by the defendants in December 2014 but brought to his attention shortly before his entry of the Order. The Order indicated the case was "stayed" and could not proceed "to disposition on the merits at this time," and further stated in pertinent part:

It is, therefore, **Ordered** that the clerk of the Court shall close this case without prejudice and remove it from the active docket of pending cases assigned to this Court until such time as this Court receives notice that the bankruptcy stay has been lifted or applicable law permits prosecution of this case to final disposition, at which time the

Court, upon notice and hearing, shall order the case reinstated to its docket or active pending cases. It is further **Ordered** that the right to reinstate this case without prejudice shall continue for thirty (30) days after the related bankruptcy proceedings are concluded.

In late February/early March 2016, the Scotts' counsel attempted to file a Motion to Reopen the 1st Case with the Johnson County District Clerk's Office on multiple occasions. Judge Bosworth instructed the District Clerk's Office not to accept those filings. So, on March 15, 2016, the Scotts filed Case No. DC-C201600135, *Elizabeth Helen Scott & Ronny Eugene Scott v. John C. Carpenter, et. al.* (the "2nd Case"), in the 249th Judicial District Court of Johnson County.

On September 22, 2016, the Honorable Wayne Bridewell (presiding judge of the 249th Judicial District Court) entered a Final Order on defendants' plea to the jurisdiction, dismissing the 2nd Case with prejudice, largely predicated on Judge Bosworth's Order of Case Closing in the 1st Case. The Scotts appealed Judge Bridewell's dismissal of the 2nd Case, and on May 31, 2018, the Corpus Christi Court of Appeals¹ issued a Memorandum Opinion reversing Judge Bridewell's order dismissing the 2nd Case and remanding the 2nd Case for further proceedings. In pertinent part, the Corpus Christi Court held Judge Bosworth's Order of Case Closing in the 1st Case could not have dismissed that case with prejudice, as the court had not determined the merits of the Scotts' causes of action.

In his written responses to the Commission's inquiry, Judge Bosworth stated he believed, "[he] would have told the Clerk's Office not to take action on the 1st Case because the District Clerk and his Deputy Clerks do not have the power to vacate an Order of administrative closure and return a closed case to active status," and that, "[Ms.] Scott's counsel was obligated to contact the Court Coordinator to request a hearing to remove the case from administrative closure." Judge Bosworth also stated, "[I] believed that the Scotts had the ability to file a new case that would invoke the jurisdiction of a District Court. And after the 2nd Case was filed, and later assigned to me, I considered the case on the merits."²

During his appearance before the Commission, Judge Bosworth explained he instructed the District Clerk's Office not to accept the filing from Scott's counsel seeking to reopen the 1st Case because the case was "closed by court order" until the relevant bankruptcy case was over, dismissed, or a "lift stay" was issued.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable William C. Bosworth, Jr., was Judge of the 413th Judicial District Court, Cleburne, Johnson County, Texas.
2. On March 17, 2015, Judge Bosworth entered an Order of Case Closing in the 1st Case based on the Suggestion of Bankruptcy filed by the defendants in December 2014.
3. During late February/early March 2016, the Scotts' counsel attempted to file a Motion to Reopen the 1st Case with the Johnson County District Clerk's Office on multiple occasions.

¹ The appeal was before the Corpus Christi Court of Appeals on transfer from the Beaumont Court of Appeals pursuant to a docket equalization transfer order issued by the Texas Supreme Court.

² Shortly after receiving the Commission's written inquiries in this matter, Judge Bosworth recused himself from the 2nd Case.

4. On at least one such occasion, Judge Bosworth instructed the District Clerk's Office not to accept those filings from the Scotts' counsel.
5. No final judgment, order of dismissal, or nonsuit was ever entered in the 1st Case.

RELEVANT STANDARD

Canon 3B(8) of the Texas Code of Judicial Conduct states, in relevant 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

Based upon the particular evidentiary record before it in this matter and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Judge William C. Bosworth, Jr., Judge of the 413th Judicial District Court in Cleburne, Johnson County, Texas, should be publicly warned and ordered to obtain additional education for failing to accord the Scotts the right to be heard according to law by instructing the Johnson County District Clerk's Office not to accept the filing of their Motion to Reopen the 1st Case, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Bosworth must obtain **1 hour** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Bosworth receive this additional education in the area of abatement, suspension, and/or closure of cases and the effects those measures have on a party's ability to file into a case. Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Center for the Judiciary to the extent necessary to enable that entity to assign the appropriate mentor for Judge Bosworth.

Judge Bosworth shall complete the additional **1 hour** of instruction recited above within **60 days** from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Bosworth's responsibility to contact the assigned mentor and schedule the additional education.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 12th day of November, 2020.



David Hall
Chairman, State Commission on Judicial Conduct