



## **BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 20-0873**

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### **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION**

**HONORABLE CLINTON E. "CHIP" WELLS, JR.  
312<sup>TH</sup> FAMILY DISTRICT COURT  
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on December 8, 2021, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Clinton E. "Chip" Wells, Jr., 312<sup>th</sup> Family District Court Judge, Houston, Harris County, Texas. Judge Wells was advised by letter of the Commission's concerns and provided a written response. Judge Wells appeared before the Commission on April 6, 2022, and gave testimony.

#### **BACKGROUND**

During April 2019, Judge Wells presided over an acrimonious divorce case which involved allegations of domestic violence. Throughout the trial, Judge Wells expressed irritation at both lawyers, slamming his fists or books on the bench, erupting in anger at counsel, using a harsh and sarcastic tone of voice, abruptly announcing recesses, or walking off the bench in frustration and anger.

On April 17, 2019, at or near the end of proceedings, Judge Wells ordered the attorney representing the wife, Teresa Waldrop ("Waldrop"), to his chambers for "a discussion" while the parties and other counsel remained in the courtroom. After a nearly 2-hour long in-chambers conference with only Waldrop, Judge Wells asked the parties and other counsel into his chambers, confessed his errors, and suggested several procedures to complete the trial. The following day, Judge Wells recused from the case and the divorce was reheard by another court, with a divorce decree being signed in July 2020.

In his written responses to the Commission, Judge Wells acknowledged his failures of conduct and language toward Waldrop, saying it did not conform to a judge's duty to be "patient, dignified and courteous" and was totally unacceptable. Judge Wells also admitted making a poor decision by directing

Waldrop into his chambers and stated he began apologizing for his behavior to Waldrop that same day and has made no excuses for his behavior. The judge further indicated he has sought professional counseling to correct his behavior and believes he has taken responsibility for his actions.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

## **FINDINGS OF FACT**

1. At all relevant times, the Honorable Clinton E. “Chip” Wells, Jr. was Judge of the 312<sup>th</sup> District Court, Houston, Harris County, Texas.
2. In April 2019, Judge Wells presided over a 3-day bench trial in Cause No. 2017-77437; *In the Matter of the Marriage of Rose Marie Alvarez and Moises Alvarez and in the Interest of S. M. A., E. A. A., and E. A. A., Children*, (the “Alvarez case”).
3. Throughout the trial, in open court, Judge Wells expressed irritation at both sides’ lawyers, including slamming a book on the bench, erupting in anger, using a harsh and sarcastic tone of voice, abruptly announcing recesses, and walking off the bench in frustration and anger.
4. On April 17, 2019, at or near the end of proceedings, Judge Wells ordered Attorney Teresa Waldrop (“Waldrop”) to his chambers for “a discussion” while the parties and other counsel remained in the courtroom.
5. On entering his chambers, Judge Wells cursed and then continued to use profanity to express his anger to Waldrop about the presentation of the case.
6. As the in-chambers discussion with Waldrop progressed, Judge Wells confessed that he had lost his temper and created an irreparable mess of the trial, conceding he was known to “have a bad temper” and stating, “the reality has – has come to me that I may not be suitable for this.”
7. Waldrop was frightened and intimidated by Judge Wells’ conduct in chambers and repeatedly asked to leave or have witnesses present. The in-chambers meeting nevertheless continued for more than an hour.
8. During the in-chambers meeting, Judge Wells expressed being “horrified by this”; wondered if he should “fling himself out the window”; and said he would “crawl under [his] desk.” During that time, Judge Wells also called another lawyer by telephone regarding the situation he had created.
9. At one point Judge Wells expressed that it would have been easier if Waldrop had come into his chambers and “fussed at him,” continuing, “Then we could have rolled around on the floor and strangled each other...”
10. Judge Wells later invited the parties and other counsel into his chambers, expressed his apologies for the situation and suggested some procedures to complete the trial.
11. Judge Wells recused from the case the day following the in-chambers events.

## **RELEVANT STANDARDS**

1. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful...conduct that...is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary...”

2. Canon 3B(3) of the Texas Code of Judicial Conduct, states, "A judge shall require order and decorum in proceedings before the judge."
3. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in part, "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity...."
4. Canon 3B(5) of the Texas Code of Judicial Conduct prescribes, "A judge shall perform judicial duties without bias or prejudice."
5. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in part, "A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney... concerning the merits of a pending or impending judicial proceeding."

## CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Clinton E. "Chip" Wells, Jr., Judge of the 312<sup>th</sup> Family District Court, Houston, Harris County, Texas, should be publicly admonished and ordered to obtain additional education for: (i) failing to treat the lawyers and/or parties in the *Alvarez* case with patience, dignity, and courtesy during the trial because of his outbursts of anger and frustration, and for confronting Waldrop in his chambers in a similar manner; (ii) failing to maintain order and decorum in the courtroom in an appropriate manner during the presentation of the *Alvarez* case; (iii) initiating, permitting, or considering improper *ex parte* communications with Waldrop during the trial; (iv) failing to perform his duties without bias or prejudice toward Waldrop; and (v) willful conduct that cast public discredit upon the judiciary or administration of justice by his outbursts in the courtroom and his treatment of Waldrop in chambers. Judge Wells' conduct in these respects violated Art. V, Sec. 1-a(6)A of the Texas Constitution and Canons 3B(3), 3B(4), 3B(5), and 3B(8) of the Texas Code of Judicial Conduct.

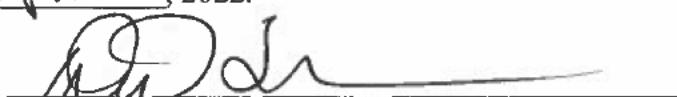
Pursuant to this Order, Judge Wells must obtain **2 hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2022. In particular, the Commission desires that Judge Wells receive this additional education in the areas of appropriate judicial temperament and demeanor, *ex parte* communications, and maintaining order and decorum in the courtroom. 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 Wells.

Judge Wells shall complete the additional **2 hours** 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 Wells' responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **2 hours** of education described herein, Judge Wells shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 20<sup>th</sup> day of April, 2022.



David Schenck  
Chairman, State Commission on Judicial Conduct