At its regularly scheduled meeting in Austin, Texas, on December 9, 1994, the State Commission on Judicial Conduct concluded a review of complaints which had been filed against the Honorable Dan Robertson, Justice of the Peace, Precinct 4, Place 1, and Municipal Judge of Quinlan, Hunt County, Texas. The complaints related to Judge Robertson's personal involvement in law enforcement activities, and his personal involvement with the parties subject to those law enforcement activities. Judge Robertson was advised in writing of the allegations against him and he submitted a written response to the allegations. He also appeared before the Commission to respond to the allegations.

Judge Robertson was defeated in the November 8, 1994, election for the office of Justice of the Peace of Precinct 4, Place 1. He has also resigned the position of Municipal Judge for the City of Quinlan. However, after investigation and consideration which commenced prior to the judge's defeat and resignation, the Commission concluded that the actions of Judge Robertson were so egregious as to warrant public condemnation even after he has left the bench. Therefore, after considering the evidence, including Judge Robertson's written and verbal responses, the State Commission on Judicial Conduct entered the following:
FINDINGS OF FACT
INCIDENT OF FEBRUARY 7, 1993

1. An incident occurred in which a woman requested assistance of law enforcement officers in the early morning hours of February 7, 1993. Officers responded to the request for assistance.

2. Judge Dan Robertson appeared at the same time that law enforcement officers arrived. Judge Robertson was allowed on the scene only because of his judicial authority.

3. Officers conducted an on-site inquiry and investigation. Judge Robertson made comments during the investigation designed to influence the actions of the law enforcement officers.

4. After law enforcement officers performed their duty and departed the scene, Judge Robertson completely abandoned his role as a judge, staying on the premises, with the woman, for his own private purposes.

INCIDENT OF MARCH 5, 1994

5. During the early morning hours of March 5, 1994, Judge Dan Robertson received a request from a public official to effect the release from jail of his son who had been arrested on a Department of Public Safety warrant.

6. Judge Robertson effected the release of the official's son on a personal recognizance bond, as a personal favor to the public official.

7. While Judge Robertson was at the jail, he noticed an intoxicated woman defendant who had been arrested and who was waiting for the police officer to process her. The female defendant was brought into the jail at approximately 2:30 a.m.

8. Judge Robertson advised the arresting officer about what charges were appropriate to file against the woman.

9. Immediately thereafter, Judge Robertson also effected the release of the woman on a personal recognizance bond, even though she was still intoxicated.

10. At approximately 3:30 a.m., Judge Robertson left the jail with the public official's son and the woman in his personal vehicle.
RELEVANT STANDARDS

1. Texas Constitution Art. 5 § 1-a(6)A states: "Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1 Article V of this Constitution, may, subject to the other provisions hereof, be removed from office 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."

2. Canon 2B of the Code of Judicial Conduct states in relevant part: "A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."

CONCLUSIONS

With regard to the incident of February 7, 1993, law enforcement officers arrived at the scene in a timely fashion and performed their duty. Judge Robertson was allowed on the premises only because of his judicial authority. His presence at the scene influenced and interfered with law enforcement officers. He used his judicial position to gain access to the woman at a critical and vulnerable moment and then exploited that advantage for his personal gratification.

The Commission concluded that Judge Robertson's interference with law enforcement officers and exploitation of the woman on February 7, 1993 constituted willful conduct clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary.

With regard to the incident occurring on March 5, 1994, the Commission concluded that the judge's actions in releasing from jail and transporting the public official's son in the judge's personal vehicle as a personal favor to the official violated the provisions of Canon 2B of the Code of Judicial Conduct, which states, in part: "A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."
Additionally, in the early morning of March 5, 1994, Judge Robertson affected the actions of law enforcement officials with his advice as to the proper charges to file on the intoxicated woman. Further, by authorizing the release of the intoxicated woman in the middle of the night, and then transporting her in his personal vehicle, Judge Robertson displayed a total disregard for propriety. Such conduct was clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary.

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In condemnation of the conduct violative of the Texas Constitution, Article V, Section 1-a(6)A, as well as the Canon of the Code of Judicial Conduct as recited above, it was the Commission’s decision to issue a PUBLIC REPRIMAND to Judge Dan Robertson, Justice of the Peace, Precinct 4, Place 1 and Quinlan Municipal Judge, Quinlan, Hunt County, Texas. Even though Dan Robertson is no longer on the bench, the Commission took this action to condemn these abuses of authority and to reinforce the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

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 reprimand by the State Commission on Judicial Conduct.

Issued this 3rd day of July, 1995.

Robert Flowers, Executive Director
Acting for and in behalf of the
State Commission on Judicial Conduct
With Full Authority To So Act