



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 11-1106-CC, 13-0083-CC, 13-0093-CC, 13-0097-CC, 13-0147-CC, 13-0152-CC, 13-0383-CC, 13-0410-CC, 13-0458-CC, 13-0460-CC, 13-0557-CC, 13-0670-CC

PUBLIC REPRIMAND

**HONORABLE CHRISTOPHER DUPUY
FORMER JUDGE, COUNTY COURT AT LAW NO. 3
GALVESTON, GALVESTON COUNTY, TEXAS**

During its meeting on October 15-16, 2014, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Christopher Dupuy, former Judge of the County Court at Law No. 3, Galveston, Galveston County, Texas. Former Judge Dupuy was advised by letter of the Commission's concerns. At his request, a hearing was scheduled to provide the former judge with an opportunity to appear before the Commission and provide testify. Although Former Judge Dupuy was notified of the date, time, and location of the hearing, he failed to appear.

BACKGROUND

Judge Dupuy was elected to the Galveston County Court at Law No. 3 bench in November 2010, after defeating the incumbent judge who had been presiding over Judge Dupuy's divorce from Adrienne Viterna, and the couple's child custody case. As of January 1, 2011, when he was sworn in, Judge Dupuy was defending himself in a legal malpractice case, had already been the subject of public discipline by the State Bar of Texas, was defending himself from post-judgment collection efforts in another malpractice action as well as from a sanction for filing a frivolous lawsuit against his ex-wife's attorney, and had filed for bankruptcy protection. Within two years, Judge Dupuy would again be publicly sanctioned by the State Bar of Texas, sued by his uncle for failure to repay a \$25,000 loan, sued by another former client for legal malpractice, sued by his ex-wife to modify a 2010 arbitrated child custody order, and would file for bankruptcy protection a second time, which stayed the pending litigation and post-judgment collection efforts against him until December 2012.

Starting in August 2011, the Commission received complaints from lawyers and litigants appearing in Judge Dupuy's court who alleged that the judge failed to recuse from cases involving an

attorney with whom he had a special, close relationship, failed to follow proper procedures when asked to recuse, and threatened and retaliated against attorneys and their clients who asked for his recusal and/or who represented his ex-wife, Viterna, in pending litigation against the judge.

After Judge Dupuy sent an email to Galveston County public officials and attorneys misrepresenting information he had obtained from the Commission in his quest to have Associate Judge Suzanne Schwab-Radcliffe disqualified from representing family law clients in Galveston County, the Commission asked Judge Dupuy to appear before it and answer questions relating to the pending complaints. Judge Dupuy appeared before the Commission in December 2012, and provided testimony.

In the months that followed, the Commission dismissed some of the pending complaints based on insufficient evidence, but notified the judge in writing and through his attorney that several of the complaints remained pending. In addition, after learning that Judge Dupuy was misrepresenting to the public that the Commission had dismissed all of the complaints pending against him, the Commission again contacted the judge through his attorney to caution against making misleading statements concerning the status of the pending complaints and advised that additional complaints had since been filed against him requiring his response.

On May 21, 2013, Judge Dupuy was indicted on eight counts involving accusations that he mistreated and retaliated against one of his ex-wife's attorneys, Lori Laird; mistreated and retaliated against attorney Greg Enos; mistreated and retaliated against Associate Judge Suzanne Radcliffe; and misused government property for the private benefit of his girlfriend, Tara Compton.¹ The following day, the Texas Attorney General filed a civil removal action against Judge Dupuy in Galveston County. On May 24, 2013, the Commission suspended Judge Dupuy from office without pay as a result of the indictments. On June 11, 2013, Judge Dupuy was indicted for Abuse of Official Capacity for having engaged in the practice of law while a judge in order to assist Compton. Judge Dupuy appeared before the Commission on June 14, 2013 to appeal the suspension, but did not prevail. On July 30, 2013, Judge Dupuy was indicted on two counts of aggravated perjury relating to his testimony in a protective order hearing before a visiting judge in June 2013. Thereafter, all but the two aggravated perjury charges and two misdemeanor abuse of official capacity charges were dismissed by Harris County District Judge Ryan Patrick, sitting by assignment in Galveston County in connection with the criminal case against Judge Dupuy.

Also in June of 2013, Judge Dupuy temporarily lost custody of his two children during an emergency protective order hearing after his ex-wife claimed that Judge Dupuy was plotting to have her murdered, stage his own death in a boating accident, and flee with their children to New Zealand. Although his former fiancée, Tara Compton, provided prosecutors with an affidavit detailing the plot and provided some testimony at the protective order hearing in support of the affidavit, Judge Dupuy denied the allegations under oath. A protective order was not issued.

On August 28, 2013, Judge Patrick held Judge Dupuy in criminal contempt of court for violating a July 25, 2013 order prohibiting the participants in the criminal case from discussing the matter publicly, including on the internet and through social media. The finding of contempt was based on evidence submitted to the court showing that Judge Dupuy had been posting long rants on his Facebook page criticizing and personally attacking David Glickler, the Assistant Attorney General prosecuting his case. Judge Dupuy was sentenced to serve 45 days in jail and ordered to undergo a psychiatric evaluation to determine if he was competent to stand trial.

¹ Pursuant to Sec. 25.00161 of the Texas Government Code, "[t]he regular judge of a statutory county court shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law."

On September 19, 2013, prior to submitting to the psychiatric evaluation, Judge Dupuy entered into an agreement with the prosecutor resulting in a plea of guilty to misdemeanor charges of perjury and abuse of office, and the judge's immediate resignation from the bench. Judge Dupuy was placed on two years' probation and agreed not to run for elected office during that time. The remaining criminal charges were dismissed.

During sentencing, Judge Patrick addressed Judge Dupuy and stated, "You brought an incredible dishonor to yourself, your name and this profession...Anybody who reads or knows about this case makes our job as judges harder because of what you did." Judge Patrick added, "You put yourself in this position...You just added one more reason we've all become the butt of jokes, particularly here in Galveston." The judge's criminal cases, suspension from office, child custody case, civil removal case, contempt of court sentence, plea and resignation were all the subject of extensive media coverage, as well as blogs, YouTube videos, and posts on various social media sites.

At the time of Judge Dupuy's guilty plea and resignation from office, the above-referenced complaints remained pending with the Commission. The investigation into these matters was concluded and the cases were presented to the Commission at its August 13-15, 2014 meeting. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Christopher Dupuy was Judge of County Court at Law No. 3, in Galveston, Galveston County, Texas.

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2. Attorney Greg Hughes represented a father, Bryan Dean, in Case No. 07FD0090, styled *In the Interest of A.D. and P.D., Minor Children* (the "Dean Case.") In that case, the mother had filed a Motion to Modify asking to be allowed to relocate to the San Antonio area with the couple's children.
3. On May 25, 2011, Hughes filed an answer in the case, placing the court and opposing counsel on notice that he was representing Bryan in the matter.
4. The mother was represented by attorney Kathleen Collins, who, unbeknownst to Hughes or his client, approached Judge Dupuy on June 15, 2011, and obtained an *ex parte* temporary restraining order against Bryan preventing him from taking the children on a Hawaiian vacation with his partner.
5. Hughes first learned that a TRO had been issued against Bryan on June 21, 2011, when he received a letter from Collins advising him that his client was in violation of the order.
6. Prior to the show cause hearing regarding Bryan's alleged violation of the *ex parte* TRO, Hughes filed a motion to recuse Judge Dupuy.
7. According to the motion to recuse, Judge Dupuy had an especially close relationship with Collins, including an attorney-client relationship, which he failed to disclose.
8. Judge Dupuy announced at the commencement of the show cause hearing that he was denying the motion to recuse because it had "absolutely no basis, either in fact or in law;" however, the judge stated that he would refer the matter to the Presiding Judge of the Second Administrative Judicial Region for consideration.

9. Judge Dupuy then went forward with the show cause hearing and attempted to extend the TRO, which was set to expire that day.
10. When Hughes objected that Judge Dupuy could not act until the motion to recuse had been resolved, Judge Dupuy became visibly angry and threatened Bryan with future punishment if he violated the TRO.
11. On August 3, 2011, Presiding Judge Olen Underwood held a recusal hearing in the *Dean* Case.
12. At the recusal hearing, witnesses, including Judge Dupuy's ex-wife, Adrienne Viterna, testified about the nature of Judge Dupuy's relationship with Collins.
13. Judge Underwood granted Hughes' motion and recused Judge Dupuy from the *Dean* Case.
14. The following day, Judge Dupuy made a threatening telephone call to Hughes in which the judge expressed his anger that Hughes had called his ex-wife to testify and promised Hughes that when he appeared in Judge Dupuy's court again, the judge "would remember" what a sleaze Hughes was.
15. In late November 2011, Hughes filed a motion to recuse against Judge Dupuy in Case No. 11FD0574, styled *In the Interest of H.E.P., a Minor Child* (the "*Powers* Case.") In that case, Hughes represented the father, Chad Powers.
16. According to the motion to recuse, Judge Dupuy and the child's mother, Amanda Taber, were "Facebook" friends, who exchanged numerous *ex parte* communications during the pendency of the case through various "Facebook" posts.
17. Additionally, Hughes disclosed in the motion to recuse that he was now representing Adrienne Viterna in a custody dispute against Judge Dupuy.
18. Judge Dupuy recused himself from the *Powers* Case, as well as from subsequent cases in which Hughes was the attorney of record.
19. On August 29, 2012, a respondent, Jimmy Cox, appeared before Judge Dupuy for an enforcement hearing.
20. The day before the hearing, Cox hired Hughes to represent him and Hughes filed an answer and a motion to recuse Judge Dupuy from presiding over the enforcement action.²
21. When Judge Dupuy entered the courtroom, he called out Hughes' name and "excused" him from the courtroom, refusing to allow him to represent Cox in the enforcement action.
22. After Hughes was forcibly escorted out of the courtroom by the bailiff, Cox advised Judge Dupuy that he had hired Hughes to represent him in the enforcement action. Judge Dupuy then advised Cox to fire Hughes and get his money back.
23. Hughes also provided documentation to the Commission demonstrating that, while a judge, Judge Dupuy engaged in a pattern of intentional discovery abuse and filed numerous frivolous motions designed to delay the prosecution of a legal malpractice case³ filed against Judge Dupuy by a former client, Mr. Margarita, LP.

² Judge Dupuy had previously been recused from presiding over Cox's family law case; however, the enforcement action was treated as a separate matter.

³ Kathleen Collins represented Judge Dupuy in this malpractice case, which was filed in 2009 and remains pending today.

24. In January 2012, Judge Dupuy and Collins were sanctioned by a visiting judge and ordered to pay \$7,500 to David Bryant, the attorney representing Mr. Margarita, LP, for their efforts to delay the case by filing frivolous motions to recuse and failing to appear for several scheduled depositions.
25. Hughes also provided documentation that demonstrated that, while a judge, Judge Dupuy engaged in a similar pattern of conduct while a defendant in another malpractice action filed against him in 2009 by Cindi Mayville.
26. In the *Mayville* Case, Judge Dupuy engaged in post-judgment discovery abuses, filed multiple motions to have the various judges involved in the case recused, and filed for bankruptcy protection⁴ to delay action in the *Mayville, Mr. Margarita*, and several other cases pending against him.

13-0093-CC & 13-0147-CC

27. Until February 2013, Suzanne Schwab-Radcliffe had been the part-time Associate Judge for the 306th District Court in Galveston County for 14 years. She also maintained a private law practice during this time and shared office space with attorney Lori Laird.
28. Per a standing policy promulgated by the 306th District Court and the County Courts at Law in Galveston County, all cases assigned to the 306th District Court in which Radcliffe was the attorney of record were automatically transferred to one of the three County Courts at Law.
29. This policy, which had been in effect for more than ten years, also applied to “any partners and associates which she (Radcliffe) may have from time to time.” Due to her close association with Radcliffe, cases involving Laird as an attorney were also transferred out of the 306th District Court.
30. On July 6, 2012, Laird was hired to handle a modification in Case No. 02-FD-0367, *In the Interest of A.E.W. and B.A.W., Minor Children* (the “Wingate Case”), a family law case pending in the 306th District Court. Pursuant to county policy, the case was transferred to Judge Dupuy’s court.
31. However, on August 20, 2012, opposing counsel in the case, Greg Enos, filed a motion to disqualify Laird, complaining that the county policy to automatically transfer cases out of the 306th District Court involving Laird or Radcliffe permitted litigants to “forum shop” by hiring either one of these attorneys to handle their cases.
32. On September 6, 2012, following a hearing, Judge Dupuy disqualified Laird from the *Wingate* case, ordered her to refund her client’s money, and transferred the matter back to the 306th District Court.
33. At the hearing, Laird objected that Judge Dupuy had prepared the 4-page disqualification order prior to the commencement of the hearing and had made his decision before hearing any evidence.
34. According to Laird, Judge Dupuy was improperly influenced in his decision by a personal relationship with Enos, as evidenced by the fact that Judge Dupuy had dated Enos’ daughter,

⁴ This was Judge Dupuy’s second bankruptcy filing, which was dismissed on December 6, 2012. Since that time, he has filed for bankruptcy on two more occasions, and each has been dismissed.

played poker and socialized with Enos, and had appeared at a party with Enos the very evening of the September 6, 2012 hearing.⁵

35. On September 14, 2012, Judge Janis Yarbrough of the 306th District Court vacated Judge Dupuy's entire order, save the transfer of the *Wingate* Case to Judge Yarbrough's court.
36. Additionally, Judge Yarbrough informed Judge Dupuy in an email, "Attached is the order that I signed this morning. As this case is no longer in your court, please do not interfere with the operations of the 306th."
37. On October 3, 2012, Judge Dupuy issued an "Order Disqualifying Suzanne Radcliffe" in Case Number 12-FD-2386, *In the Matter of the Marriage of Cory L. Tucker and Jessica L. Tucker*, as well as in two other cases.
38. In his order, Judge Dupuy contended that Radcliffe's dual roles as an Associate Judge and as a family law attorney created a "clear conflict of interest."⁶
39. Two of the disqualification orders, which were issued on the judge's own motion and without a hearing, were issued in cases wherein Radcliffe had filed motions to recuse Judge Dupuy.
40. Judge Dupuy did not forward the recusal motions to the Presiding Judge of the Second Administrative Judicial Region; instead, on October 10, 2012, Judge Dupuy entered an "Order Striking Disqualified Attorney's Motion and Finding the Associate Judge, Suzanne Schwab-Radcliffe, in Contempt" in each case in which Radcliffe had filed a motion to recuse.
41. Judge Dupuy's orders of contempt against Radcliffe, which did not include jail time or payment of a fine, cautioned that "any further contemptuous acts of the Associate Judge, including her disruption of inactive or active cases, or the filing of impermissible, unprofessional pleadings, may subject her to sanctions."
42. On or about November 29, 2012, Laird was retained as co-counsel to represent Judge Dupuy's ex-wife, Adrienne Viterna, in an ongoing child custody dispute involving the couple's young children.⁷
43. Soon thereafter, Laird sent a notice to Judge Dupuy's attorney requiring him to appear in Laird's office for his deposition.
44. On December 21, 2012, Judge Dupuy's orders disqualifying Radcliffe were overturned on appeal.⁸

⁵ Enos had also served as the mediator and the arbitrator in Judge Dupuy's 2010 divorce from Adrienne Viterna, wherein Enos awarded primary custody of the children to Judge Dupuy.

⁶ In a September 17, 2012 email to the Chief Deputy District Clerk and the head of the County Legal Department, Judge Dupuy accused Judge Yarbrough, Judge Radcliffe, and Laird of engaging in corrupt and unlawful conduct.

⁷ Among other things, Viterna was attempting to have the 2010 arbitration award giving Judge Dupuy full custody of their children overturned through a Bill of Review.

⁸ However, without advising them that the issue was being litigated in the courts, Judge Dupuy sent his conflict of interest concerns to the State Bar of Texas' Judicial Ethics Advisory Committee seeking an advisory opinion. In January 2013, the Committee issued Opinion No. 296, stating that a part-time family law associate judge, appointed by a court, could not ethically represent family law clients before any of the other courts in that county, or in counties surrounding that county, if those courts are subject to appellate jurisdiction of the court which he or she serves. In response to the opinion, Radcliffe immediately resigned her position as Associate Judge for the 306th District Court.

45. In its decision granting mandamus relief to Radcliffe, the First Court of Appeals ruled that Judge Dupuy had abused his discretion when he disqualified Radcliffe from representing clients in family law cases in the County Court at Law No. 3 because he failed to provide Radcliffe or her clients with notice, a hearing, or any other basic due process requirements.
46. For the same reasons, the First Court of Appeals also found that Judge Dupuy abused his discretion by finding Radcliffe in contempt of court for violating his disqualification orders.
47. On December 28, 2012, after a judge denied his motion to quash the deposition, a visibly angry Judge Dupuy appeared at Laird's office without his attorney, refused to answer questions, and read a prepared statement to the court reporter as to why he could not be deposed.
48. That same day, Judge Dupuy signed an order entitled, "Order and Notice of Charge of Criminal Contempt and Request for Judge to be Appointed to Determine Lori Laird's Guilt or Innocence and to Determine Punishment," holding Laird in contempt of court in the *Wishart* Case, from which Judge Dupuy had purportedly recused himself in November 2012.⁹
49. In the 8-page Order, Judge Dupuy sought to punish Laird for out-of-court statements made on Facebook, Twitter, YouTube, and a website she created to disseminate comments about Judge Dupuy.
50. The Order included the recommended sanction of a \$500 fine for each violation, incarceration in the County Jail for a term not to exceed 180 days, 50 hours of Continuing Legal Education in the field of Ethics, and the indefinite suspension of Laird's law license.
51. On January 31, 2013, Judge Dupuy signed a "Show Cause Order" in the *Wishart* and *Crowson* Cases and ordered Laird to appear before him to determine if she had committed contempt.
52. On February 11, 2013, Judge Dupuy presided over the contempt hearing against Laird and, over her objections, attempted to force her to "explain, defend or apologize" for each of the 37 counts of contempt that Judge Dupuy had entered against her.
53. On February 12, 2013, Judge Dupuy entered another Order holding Laird in criminal contempt in the *Crowson* Case, assessing a \$250 fine for each count and ordering Laird's confinement in the County Jail for 110 days. Judge Dupuy then released Laird on her own recognizance "pending appeal in any subsequent guilt/innocence hearing."
54. After entering his decision in the *Crowson* Case, Judge Dupuy called the *Wishart* Case and attempted to have Laird respond to the contempt findings in that matter. Judge Dupuy then entered the same Order holding Laird in contempt of court in the *Wishart* Case.
55. Although Judge Dupuy's court reporter, Lisa Fort, had been subpoenaed to appear and testify at the *Crowson* contempt hearing, Judge Dupuy granted Fort's Motion for Protective Order releasing her from the subpoena and scheduled a hearing for February 28, 2013, to determine if "sanctions are appropriate for the filing of the subpoenas served on Ms. Fort."¹⁰

⁹ On January 16, 2013, Judge Dupuy entered a similar order against Laird in the *Crowson* Case, in which she had also filed a motion to recuse. Prior to this, on October 11, 2012, Judge Dupuy had issued an "Order Striking Motion to Recuse and Finding Lori Laird in Contempt of Court." Both of these orders were issued without notice or hearing.

¹⁰ Fort had previously been subpoenaed to testify at a November 14, 2012 recusal hearing in the *Wishart* Case, based on a rumor that Judge Dupuy and Fort were engaged in, or had been engaged in, an intimate relationship. According to Laird, upon learning that Fort had been subpoenaed to testify in the *Wishart* recusal hearing, Judge Dupuy contacted Presiding Judge Olen Underwood and agreed to voluntarily recuse himself. Judge Underwood canceled the hearing based on Judge

56. On February 12, 2013, following the contempt of court hearing in Judge Dupuy's court, the hearings on Laird's motions to recuse Judge Dupuy from the *Crowson* and *Wishart* Cases were held by visiting judge Sharolyn Wood.
57. After Judge Wood refused to grant Lisa Fort's Motion for Protective Order, indicating that she would have to testify, Judge Dupuy signed orders voluntarily recusing himself from the *Crowson* and *Wishart* Cases.¹¹
58. Thereafter, at Laird's request, Judge Olen Underwood scheduled a *de novo* contempt hearing for April 10, 2013.
59. Without authority, Judge Dupuy appointed a Houston attorney, S. Gardner Eastland, to serve as the prosecuting attorney in the contempt proceedings, and thereafter sought a continuance in the case.
60. Judge Underwood granted the continuance and rescheduled the contempt hearings to June 4, 2013.¹²
61. As a result of Judge Dupuy's actions against her, Laird filed a criminal complaint against the judge with the Galveston County District Attorney's Office, which referred the matter to the Texas Attorney General's Office.
62. Following his indictments and as part of his plea agreement with the State, Judge Dupuy made a voluntary statement admitting guilt in connection with his treatment of Laird.
63. Specifically, Judge Dupuy stated,

"I, Christopher Michael Dupuy, am under indictment in Cause No. 13-CR-1366 for official oppression of Lori Laird. I hereby admit and confess that on or about February 12, 2013, I did then and there intentionally subject Lori Laird to mistreatment, that I knew was unlawful, and that I was then and there acting under the color of my office as Judge, Galveston County Court-at-Law No. 3."
64. On several dates between May 22 – June 18, 2013, an emergency hearing was held before a visiting judge upon the application by Viterna for a protective order and temporary orders pertaining to the custody of the Dupuy children.
65. In connection with the protective order hearing, Judge Dupuy's former fiancée, Tara Compton, provided an affidavit in which she described an alleged plot by Judge Dupuy to have Adrienne Viterna killed, and then fake his death and flee to New Zealand with his children.
66. In her affidavit and in statements to law enforcement, Compton stated that Judge Dupuy told her that he had purchased a gun and a silencer; had shown her the gun; and had shown her a picture of the silencer he had purchased for the gun. She also stated that she thought the murder plot was real and that Judge Dupuy posed a danger to Viterna and their children.

Dupuy's representation that he would sign an order of recusal; however, Judge Underwood rescheduled the recusal hearing after Judge Dupuy failed to sign a recusal order as promised.

¹¹ Previously, Judge Dupuy had signed several orders and amended orders regarding the pending recusal motions in the *Crowson* and *Wishart* cases, but none explicitly stated that Judge Dupuy had recused himself, which caused undue confusion, uncertainty, and delay.

¹² The *de novo* contempt hearing never took place due to Judge Dupuy's indictment, suspension from office, and subsequent guilty plea to abuse of office and perjury.

67. At the hearing held on May 28, 2013, Compton testified in support of the affidavit; however, when called back as a witness in the days that followed, Compton changed some of her testimony and, at one point, refused to answer questions asserting her Fifth Amendment right against self-incrimination.
68. When questioned on the stand on June 6, 2013, about whether he had purchased a silencer, Judge Dupuy denied the allegation and testified several times that he had not purchased a silencer.
69. On June 18, 2013, Viterna's application for protective order was denied.
70. Thereafter, Judge Dupuy's then-fiancée, Courtney Nixon, provided Laird with documents, including receipts, evidencing that Judge Dupuy had in fact purchased a silencer on February 16, 2013.¹³

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71. In 2012, Judge Dupuy was dating Tara Compton, a respondent in a child custody case pending in the 306th District Court.
72. On or about November 29, 2012, Associate Judge Radcliffe disqualified Compton's attorney from representing her in the case.
73. On December 6, 2012, Judge Radcliffe restricted Compton's access and visitation with her 8-year-old daughter.
74. Attorney Greg Enos represented the child's father, Greg Russell.
75. On December 19, 2012, Enos started receiving pleadings and motions that purported to be from Compton, acting *pro se*; however, the documents, which included motions to recuse Judge Yarbrough and Judge Radcliffe, arrived via fax from Judge Dupuy and appeared to have been prepared by him.
76. In fact, evidence confirmed that Judge Dupuy had sent the motions from the fax machine in his chambers during regular court business hours.
77. Russell noted that in addition to Judge Dupuy's preparation of pleadings and other legal documents on Compton's behalf, the judge further assisted Compton by contacting and attempting to interview potential witnesses in the case.
78. On December 27, 2012, as a result of Judge Dupuy's efforts to assist Compton in her child custody case, Enos filed a criminal complaint against Judge Dupuy with the Galveston County District Attorney's Office.¹⁴
79. On January 30, 2013, Enos filed a motion to recuse Judge Dupuy in the *Swenson* Case, and attached a copy of the criminal complaint he had filed against Judge Dupuy and a newsletter publicizing the fact that a criminal investigation had begun.

¹³ Nixon also provided Laird with Judge Dupuy's cell phone, which contained numerous text message purportedly exchanged between the judge and his attorneys and/or their legal staff during the course of the protective order hearing. Specifically, the phone contained text messages suggesting that Judge Dupuy's attorney(s) had met with Compton following her initial testimony about the "murder and flee" plot. In the texts, the attorneys and/or their staff and Judge Dupuy appeared to be bragging about how easy it was to convince Compton to change her testimony.

¹⁴ The Galveston County District Attorney's Office referred the matter to the Texas Attorney General's Office in part because Russell's wife worked for the District Attorney as a prosecutor.

80. On February 6, 2013, Judge Dupuy declined to recuse himself from the *Swenson* Case and ordered the clerk to serve Enos with an Order to Show Cause requiring him to appear before Judge Dupuy on February 28, 2013 to demonstrate why he should not be held in criminal contempt of court for filing the motion to recuse. In the Show Cause notice, Judge Dupuy makes specific reference to the section of Enos' motion pertaining to Enos' filing of a criminal complaint.
81. At the February 12, 2013 recusal hearing in the *Wishart* and *Crowson* Cases, Tara Compton testified that she and Judge Dupuy were engaged and confirmed that he had been assisting her in her child custody case.
82. On February 13, 2013, Judge Underwood signed an order recusing Judge Dupuy from the *Swenson* Case, which was transferred to the County Court at Law No. 1. The judge of that court later vacated Judge Dupuy's Order to Show Cause against Enos.
83. On February 15, 2013, the Houston Chronicle published an article regarding the criminal complaint filed against Judge Dupuy by Enos. Other media outlets in the Galveston and Houston areas also published similar articles during this time.
84. In his testimony at the June 11, 2013 protective order hearing, Judge Dupuy represented that he did not learn that Enos had filed a criminal complaint against him until May 22, 2013; therefore, according to Judge Dupuy, it would have been impossible for him to have retaliated against Enos as alleged in the criminal case.
85. As part of his plea agreement with the State, Judge Dupuy made the following voluntary statement regarding his testimony on June 11, 2013:

"I, Christopher Michael Dupuy, am under indictment in Cause No. 13-CR-2027 for aggravated perjury. I hereby admit and confess that on the 11th day of June 2013, I did then and there make a false statement under oath and that statement was required or authorized to be made under oath, and I made the statement with the intent to deceive and with knowledge of the statement's meaning, and the statement was that I first learned that Greg Enos filed a criminal complaint against me on May 22, 2013, when in fact, I first learned Greg Enos filed a criminal complaint against me in January 2013."

CJC No. 13-0679-CC

86. Terri Jacobs was a witness in a child custody dispute (the "*Virgin* Case") that was heard by Judge Dupuy on January 31, 2013 and March 1, 2013.
87. According to Jacobs, it appeared that Judge Dupuy's personal legal troubles and his own custody battle improperly influenced his 23-page decision in favor of the father, which was issued a mere 15 minutes after the trial recessed.
88. After Judge Dupuy gave sole possession of the child to the father, the mother, Julie Virgin, appealed the decision, retaining attorney Greg Enos to represent her on appeal.
89. According to Jacobs, on March 29, 2013, Enos filed a motion for new trial and a motion to recuse Judge Dupuy claiming the judge had failed to listen to all of the evidence before rendering a decision.
90. Judge Dupuy denied the motion to recuse on April 3, 2013, but did not forward the motion to the Presiding Judge of the Second Administrative Judicial Region as required by law.

91. On April 29, 2013, Enos notified Presiding Judge Underwood of the motion to recuse and filed a motion requesting the local presiding judge of the county courts at law to refer the motion to recuse to Judge Underwood.
92. On April 30, 2013, Judge Dupuy notified Enos that a hearing was set on May 3, 2013 for “Disqualification and Sanctions against Mr. Enos for continued unethical pleadings.”
93. On May 2, 2013, Judge Barbara Roberts, the local presiding judge of the county courts at law, transferred the *Virgin* Case to County Court at Law No. 1 because Judge Dupuy had failed to forward the motion to recuse to the Presiding Judge.
94. That same day, although a motion to recuse had been filed against him, Judge Dupuy entered an order voiding and striking Judge Robert’s transfer order.
95. The following day, Judge Dupuy denied Enos’ motion for new trial.
96. On May 6, 2013, without conducting a hearing, Judge Dupuy entered a 9-page order disqualifying Enos, imposing \$25,000 in monetary sanctions against him, and referring a grievance against him to the State Bar of Texas.
97. According to Judge Dupuy’s order, Enos was being sanctioned for out-of-court statements and conduct that allegedly occurred in other cases, as well as for his pleadings in the *Virgin* Case.
98. The following day, Judge Roberts entered an Order of Referral, referring Enos’ motion to recuse Judge Dupuy to the Presiding Judge.
99. On May 15, 2013, Judge Dupuy entered another order imposing further sanctions against Enos by striking pleadings that Enos had filed a day earlier.
100. According to Jacobs, Judge Dupuy treated Julie Virgin like a “Tyrant” by taking away her right to be represented on appeal by Enos.

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101. According to Judge Janis Yarbrough, on July 25 – 31, 2012, Judge Dupuy used county email and his official title to contact the District Clerk’s office in an attempt to have an enforcement action filed against him in his personal family law case sealed and threatened the District Clerk with contempt of court and a possible financial penalty if she did not seal these records.
102. Judge Yarbrough provided additional documentation to demonstrate how Judge Dupuy, who was represented by counsel in his personal family law matter, used his position and county email account on more than one occasion to request special consideration and accommodations in the case.
103. Judge Yarbrough and Bonita Quiroga, the Galveston County Director of Justice Administration, contended that Judge Dupuy became hostile and retaliatory toward Quiroga after she refused to authorize the judge’s hiring of a new court coordinator and reported the judge for financial improprieties and misuse of county equipment for personal use.
104. According to documentation provided to the Commission, Judge Dupuy used his position in a series of emails from his county email account to try to intimidate Quiroga by inquiring as to how she was appointed, who appointed her, and when her contract was going to expire.

CJC No. 13-0460-CC

105. Galveston County Judge Mark Henry provided sworn statements describing how the lawsuits, ethics complaints, recusal motions, contempt orders, criminal investigation, and other actions involving Judge Dupuy have been “extremely disruptive to judicial administration in Galveston County.”
106. In his sworn complaint, Judge Henry described Judge Dupuy’s actions on behalf of his court reporter, Lisa Fort, with whom Judge Henry believed Judge Dupuy had a personal relationship outside of the courtroom.
107. According to Judge Henry, Fort had been issued a subpoena to appear and testify at the February 12, 2013 contempt hearing against Lori Laird. The basis for her testimony was personal and unrelated to her work as a court reporter, which prompted Judge Dupuy to send emails to the County Legal Department¹⁵ demanding that the office represent Fort, issue “Motions to Quash & Protection,” or reimburse her for her legal fees if it would not represent her.
108. Judge Henry noted that it was a violation of the law and the Texas Code of Judicial Conduct for Judge Dupuy to give legal assistance and advice to Fort.
109. After Fort was advised that County Legal would not represent her or reimburse her for her legal fees in connection with the subpoena, Judge Dupuy immediately posted derogatory comments about Judge Henry on his Facebook page.

RELEVANT STANDARDS

1. Article V, Section 1-a(6)A of the Texas Constitution provides that a judge may be disciplined for 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 2A of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge shall comply with the law...”
3. Canon 2B of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge shall not allow any relationship to influence judicial conduct or judgment.”
4. Canon 3B(1) of the Texas Code of Judicial Conduct provides, “A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.”
5. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in pertinent 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....”
6. Canon 3B(5) of the Texas Code of Judicial Conduct provides, “A judge shall perform judicial duties without bias or prejudice.”

¹⁵ Judge Henry pointed out that the County Legal Department represents the Galveston County Commissioners Court, not county employees.

7. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in pertinent 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.”
8. Canon 4G of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge shall not practice law except as permitted by statute or this Code.”

CONCLUSIONS

The Commission concludes from the evidence presented that Judge Dupuy failed to comply with the law and engaged in willful and persistent conduct that was clearly inconsistent with the proper performance of his judicial duties and cast public discredit upon the judiciary and the administration of justice when he used his position and authority to bully, retaliate against, and punish attorneys Lori Laird, Greg Enos, Greg Hughes, and Suzanne Radcliffe for filing motions to recuse, grievances, criminal complaints, and removal actions against him, and for their representation of the judge’s ex-wife or involvement in litigation involving the judge’s then-girlfriend. Judge Dupuy allowed his adverse relationship with these attorneys and his ex-wife, as well as his personal and intimate relationship with Tara Compton and others, to improperly influence his conduct and judgment.

As a result of those intimate and personal relationships, Judge Dupuy (a) engaged in the improper practice of law, (b) misused government resources, (c) injected himself into personal litigation involving other people’s children, (d) failed to disclose the relationships or to recuse from cases involving those with whom he had a close, personal relationship, (e) lied under oath, (f) engaged in witness tampering, (g) harassed, bullied, and maligned County Officials, including Judge Henry, Bonnie Quiroga, and Judge Yarbrough, who he believed were thwarting his efforts to assist these individuals, (h) treated the attorneys and their clients without patience, dignity or courtesy when they appeared in court, (i) subjected attorneys and their clients to biased, unfair, discriminatory, and partial treatment through his rulings and procedures, (j) abused his discretion, and (k) failed to afford these attorneys or their clients with notice, the right to be heard, and other due process safeguards.

The Commission also concludes that Judge Dupuy engaged in criminal conduct in his treatment of Laird, as well as during his testimony at the protective order hearing, as evidenced by the judge’s voluntary statements admitting criminal liability. Moreover, the Commission concludes based on the evidence before it that Judge Dupuy also testified falsely when he stated under oath at the protective order hearing that he had never purchased a silencer for his gun when, in fact, he had purchased a silencer on February 16, 2013, and when he stated that the Commission had dismissed all pending complaints against him when, in fact, the Commission had notified him twice through his lawyer that several complaints remained pending and that new complaints had been filed against him. There is no dispute that Judge Dupuy’s conduct was egregious and detracted greatly from public confidence in the integrity of the judiciary. In fact, it is unlikely that anything could be more prejudicial to the administration of justice than testifying falsely under oath.

The record before the Commission clearly demonstrated that Judge Dupuy exhibited bad faith in many of the rulings described above. Moreover, this was not a case of a judge committing an error of judgment or lacking diligence. On the contrary, Judge Dupuy clearly knew the law on recusal and the procedures that were to be followed when a motion to recuse was filed, having filed several motions to recuse in his own personal litigation, all of which recited the law and procedures he expected those judges to follow. Moreover, based on his “Order and Notice of Charge of Criminal Contempt and Request for Judge to be Appointed to Determine Lori Laird’s Guilt or Innocence and to Determine

Punishment,” there is no dispute that Judge Dupuy knew that Laird was entitled to have his finding of criminal contempt heard by another judge and that it was improper for him to conduct the show cause hearing against Laird on February 11-12, 2013. Therefore, the Commission concludes that Judge Dupuy intentionally misused the judicial office to cause harm to Laird, Radcliffe, Hughes, Enos, their clients, and others connected with them.

Texas jurisprudence in the context of judicial disciplinary actions has defined “willful conduct” to require a showing of intentional or grossly indifferent misuse of judicial office, involving more than an error of judgment or lack of diligence. *In re Davis*, 82 S.W.3d 140, 148 (Tex.Spec.Ct.Rev. 2002), citing *In re Bell*, 894 S.W.2d 119, 126 (Tex.Spec.Ct.Rev. 1995)(willful conduct requires “a showing of bad faith, including a specific intent to use the powers of office to accomplish an end which the judge knew or should have known was beyond the legitimate exercise of authority.”) The term has also been defined as the improper or wrongful use of the power of his office by a judge acting intentionally, or with gross indifference to his conduct. *In re Barr*, 13 S.W.3d 525, 534 (Tex.Rev.Trib. 1998), citing *In re Thoma*, 873 S.W.2d 477, 489-90 (Tex.Rev.Trib. 1994)(“willfulness...necessarily encompasses conduct involving moral turpitude, dishonesty, corruption, misuse of office, or bad faith generally, whatever the motive.”) Based on the record in this matter, the Commission concludes that there is sufficient evidence of bad faith and a lack of proper judicial temperament in Judge Dupuy’s conduct toward Laird, Radcliffe, Hughes, Enos, and those individuals that the judge perceived were acting on his ex-wife’s behalf or against his girlfriend in her personal litigation.

The Commission concludes that Judge Dupuy’s conduct, as described herein, constituted willful or persistent violations of Article V, §1-a(6)A of the Texas Constitution, and Canons 2A, 2B, 3B(1), 3B(4), 3B(5), 3B(8) and 4G of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 2B, 3B(1), 3B(4), 3B(5), 3B(8), and 4G of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to the Honorable Christopher Dupuy, former Judge of County Court at Law No. 3, Galveston, Galveston County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state’s judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 23rd day of October, 2014.

ORIGINAL SIGNED BY

Honorable Steven L. Seider, Chair
State Commission on Judicial Conduct