



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 12-0787-MU

PUBLIC REPRIMAND

**HONORABLE WILLIAM C. ROMO
FORMER MUNICIPAL COURT JUDGE
HIDALGO, HIDALGO COUNTY, TEXAS**

During its meeting on June 18-19, 2014, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable William C. Romo, former Municipal Court Judge for the City of Hidalgo, Hidalgo County, Texas. Judge Romo was advised by letter of the Commission's concerns and provided a written response. Judge Romo appeared before the Commission on June 19, 2014, and gave testimony. 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 William C. Romo was the Municipal Court Judge for the City of Hidalgo, Hidalgo County, Texas.
2. On or about April 7, 2012, a local newspaper, *The Monitor*, published an article entitled, "The Fix: In Hidalgo Municipal Court, it's who you know," containing allegations that Judge Romo had engaged in widespread "ticket fixing" in his court.
3. According to the article, over a 15-month span, Judge Romo had dismissed approximately 839 citations at the request of local politicians and city officials, or as favors to friends and court staff.¹
4. In his responses to the Commission's inquiry, and in his testimony before the Commission, Judge Romo noted that it would be impossible to determine if the

¹ More specifically, it was alleged that Rudy Franz (the uncle of Hidalgo Mayor John David Franz), along with City Manager Joe Vera and Hidalgo school district assistant superintendent Alvin Samano, among other local officials, hand-delivered "stacks of tickets to the courthouse, where they would be passed along to the judge" for dismissal.

information regarding the disposition of the 839 citations identified by the reporter was accurate due to inadequate record keeping and data entry errors by court staff.

5. Judge Romo also contended that in most, if not all instances, it was the associate judge who accepted the “stacks” of citations delivered to the court and who made the disposition entries in the computer system.
6. Judge Romo stated that he would then review the citations in order to ensure that their disposal by dismissal was done based on “proper legal authority.”
7. By way of example, Judge Romo asserted that certain citations identified in the article had been dismissed because they were so defective that they raised jurisdictional problems.
8. Judge Romo acknowledged, however, that the citations were routinely dismissed without a motion from the State as required by law.²
9. Judge Romo explained that he felt “pressured” to dismiss the citations without a prosecutor’s motion because city officials had expressed a desire not to pay a prosecutor to prepare and present dismissal motions.
10. According to Judge Romo, a culture of intimidation existed in Hidalgo city government that led him to believe that if he did not dismiss cases when requested, he would be fired.
11. Specifically, Judge Romo claimed that he “worked under the constant threat of being fired and of the clerks being fired if these or any other cases presented were not considered/dismissed.” He continued, “It was and to a very large part, still is the culture of the people in charge to dictate by directly telling you or by innuendo you will be fired if you do not do as they say.”
12. According to Judge Romo, he did not give preferential treatment to local politicians, city officials, friends or court staff as alleged in the article.
13. Instead, Judge Romo explained that it had been his practice to “give consideration” to anyone who personally asked him to review citations for dismissal, but he would do so by looking for a “legally permissible way to ‘give consideration.’”
14. According to the attorney hired to prosecute criminal cases in the Hidalgo Municipal Court, as a result of the media story, she met with Judge Romo and instituted a policy that would require a motion from the prosecutor before the court dismissed any case that required such a motion.³
15. However, according to Judge Romo, he had already stopped the practice of dismissing cases without a motion from the prosecutor seven months earlier, in September 2011, at which time he “completely refused to consider/dismiss any more citations and referred all those requests to the city prosecutor.”

² Article 32.02 of the Texas Code of Criminal Procedure provides, in relevant part, that, “The attorney representing the State may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal.”

³ Judges do have the authority to dismiss certain citations without a motion from the prosecutor. These “compliance” cases include citations for failure to maintain proof of financial responsibility, driving with expired inspection and/or registration stickers, and driving with obscured license plates, upon a defendant’s proof of compliance and payment of an administrative fee.

16. In May 2014, Judge Romo’s term of office expired and was not renewed by the Hidalgo City Council.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) the Texas Code of Judicial Conduct states, “A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.”
3. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined 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.”

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Romo failed to comply with the law, and failed to maintain professional competence in the law, when he engaged in an extended practice of dismissing citations without a motion from the prosecutor. Judge Romo’s defense that he acted out of fear of losing his job and/or was responding to other political pressures constitutes a willful and persistent failure to conduct the duties of office independently, and without being swayed by partisan interests, public clamor, or fear of criticism.

Judge Romo’s description of the political landscape and culture in his community highlights a fundamental flaw in the system of justice that has been administered in the Hidalgo Municipal Court for some time. Given that the foundation of the justice system in a modern democratic society rests on the guarantee of an independent and impartial judiciary, a judge who disposes of cases out of fear that those in power will terminate him, or to satisfy the political or financial interests of an entirely separate branch of government, cannot be - nor can he be seen to be - independent. By definition, a judge who is not independent cannot be impartial. Based on his own testimony, Judge Romo was neither independent nor impartial when he dismissed cases without a prosecutor’s motion; however, to the extent that the practice appears to have stopped with Judge Romo and if Judge Romo’s successor refuses to succumb to pressures from local politicians, city officials, friends and court staff, it is possible that public confidence in the judiciary in the City of Hidalgo may eventually be restored.

The Commission concludes that Judge Romo’s actions demonstrated both willful and persistent violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct and brought public discredit upon the judiciary and upon the administration of justice, in violation of Article V, Section 1-a(6) of the Texas Constitution.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) 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 William C. Romo, former Municipal Court Judge for the City of Hidalgo, Hidalgo 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 3rd day of July, 2014.

ORIGINAL SIGNED BY

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