



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 15-0707-MU

PUBLIC REPRIMAND

**HONORABLE JAMES B. SCALES, III
MUNICIPAL COURT
BRIDGE CITY, ORANGE COUNTY, TEXAS**

During its meeting on June 16, 2016, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable James B. Scales, III, Municipal Court Judge, Bridge City, Orange County, Texas. Judge Scales was advised of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable James B. Scales, III, was Judge of the Municipal Court in Bridge City, Orange County, Texas.
2. On April 7, 2015, Ashley Riddling received a traffic citation for "Failure to Stop for a School Bus."
3. On April 16, 2015, Riddling entered a plea of "not guilty" to the charge and requested a jury trial.
4. When Riddling was given the trial date, she advised the court clerk that she had already paid for a vacation cruise during that time and asked for another date.
5. After the clerk spoke with Judge Scales, Riddling was told to come into the courtroom to talk to the judge.
6. When Riddling approached Judge Scales, she observed him use a pen to change the charging instrument from "Failure to Stop for a School Bus" to "Expired Motor Vehicle Inspection."

7. Judge Scales then asked Riddling if she wanted to pay the entire \$275 fine for an expired inspection sticker or enter into a payment plan. In response, Riddling said she could pay the entire fine that day.
8. There was no prosecutor present in the courtroom when Judge Scales altered the charging instrument and negotiated a plea agreement with Riddling regarding the new charge.
9. When Riddling later told her friends about her experience with Judge Scales, they advised her that this practice did not seem proper.
10. One of Riddling's friends shared her story with the Chief of Police for Bridge City, who contacted the judge about the incident.
11. Shortly thereafter, Judge Scales called Riddling and left the following voicemail message:

Yeah, this is Judge Jimmy Scales, city of Bridge City, looking for Ashley Riddling. I need you to call me back. It seems like you're running your mouth on something that you shouldn't be. And, uh, maybe we need to have a little discussion on it. Be sure and call me back now. I don't want to have to send somebody after [you].
12. Riddling interpreted the message as "threatening, intimidating and harassing."
13. On April 22, 2015, Riddling received a letter from Judge Scales informing her that, on his own motion, he had ordered a new trial on the original "School Bus" citation. The court also refunded the \$275 fine paid on the new inspection sticker charge.
14. Thereafter, Judge Scales recused himself from the pending case and the prosecutor later dismissed the charge.
15. In his written responses to the Commission's inquiry, Judge Scales confirmed many of the facts recited herein, but maintained that Riddling had "embellished" her account of their interactions in the courtroom.
16. Judge Scales explained that he had only recently been named Presiding Judge,¹ and was "buried under" work at his construction company during this time. Moreover, according to the judge, his court staff was very inexperienced.
17. Judge Scales acknowledged that no prosecutor was present when he changed the citation and negotiated the plea with Riddling.
18. Judge Scales believed at the time that he had the authority to take such action, but he now understood that he did not.
19. According to Judge Scales, he repeatedly told Riddling that she could plead to the original charge if she did not want to plead guilty to the expired inspection charge.
20. Judge Scales admitted leaving the voicemail message for Riddling, stating that he had called her several times and she would not return his calls.

¹ Judge Scales has been an Associate Judge since 1996, and was sworn in as the Presiding Judge on January 2, 2015.

21. Judge Scales indicated that he left the voicemail message only to let her know that he wanted to talk about (a) what she had said to the police; (b) to refund her money; and (c) to reset the case for trial.
22. In Judge Scales' opinion, the voicemail was neither discourteous nor undignified as he did not "raise [his] voice or curse."

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) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge should be faithful to the law and shall maintain professional competence in it."
3. Canon 3B(4) of the Texas Code of Judicial Conduct states, 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"
4. Canon 6C(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Scales failed to comply with the law and failed to maintain professional competence in the law when he took on the role of a prosecutor and unilaterally amended a charging instrument and negotiated a plea with the defendant. The Commission concludes that the conduct described above constituted a willful violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

The Commission also concludes that Judge Scales failed to treat Riddling with the requisite dignity and courtesy expected of a judicial officer when he left a voicemail message that any reasonable person would find threatening, intimidating, and harassing. The Commission concludes that the conduct described above constituted a willful violation of Canon 3B(4) of the Texas Code of Judicial Conduct.

The Commission further concludes that Judge Scales engaged in improper *ex parte* communications when he met with Riddling outside the presence of the prosecutor in an effort to resolve Riddling's conflict with the trial date by negotiating a plea bargain in the case. The Commission concludes that the conduct described above constituted a willful violation of Canon 6C(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), 3B(4), and 6B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision

to issue a **PUBLIC REPRIMAND** to the Honorable James B. Scales, III, Judge of the Municipal Court, Bridge City, Orange 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 the 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 the 18th day of July, 2016.

ORIGINAL SIGNED BY

Hon. Valerie E. Ertz, Chair
State Commission on Judicial Conduct