



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 16-0532-JP

**PUBLIC WARNING
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE JIM L. ALFORD
JUSTICE OF THE PEACE
MOUNT VERNON, FRANKLIN COUNTY, TEXAS**

During its meeting on February 8-9, 2017, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Jim L. Alford, Justice of the Peace, Mount Vernon, Franklin County, Texas. Judge Alford was advised by letter 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 Jim L. Alford was Justice of the Peace in Mount Vernon, Franklin County, Texas.
2. On or about February 16, 2016, Larry McKinney travelled to Judge Alford's court and requested to inspect and copy judicial case files on a particular defendant.
3. Judge Alford's court clerk told Mr. McKinney that she could not provide him access to "open cases" because "they're not public record."
4. In response, Mr. McKinney stated "how is that not public record? I'm just asking."
5. In response to the clerk's reasoning as to why Class C records were not public records, Mr. McKinney stated "Ok. Umm. I would disagree with that, but I'm not going to argue."
6. At that point in the conversation, Judge Alford appeared and told Mr. McKinney "you're not going to argue, I can assure you of that."

7. Later in the conversation, Mr. McKinney specifically inquired with Judge Alford whether “that y’all’s policy that if it’s open you’re not going to give it to me?”
8. Judge Alford replied “that’s right, you’re not going to get anything on an open case, no matter what you’ve got in that there knapsack.”
9. Judge Alford’s clerk reiterated to Mr. McKinney that the court could not release the information because of “state law.”
10. Mr. McKinney replied “that’s not state law. I would completely disagree with you.”
11. In response, Judge Alford stated “Ok, I’m not gonna argue with you. I will throw you out of this office, though.”
12. Judge Alford proceeded to physically escort Mr. McKinney out of the office.
13. In his response, Judge Alford states that his clerk did not ultimately refuse to provide Mr. McKinney with copies of court documents. According to Judge Alford, the “clerk stated that the request must be sent to the County Attorney first, all PIA requests are sent to the County Attorney first as a policy due to the sensitive nature, and law Via: PIA requests on open criminal cases.”
14. Judge Alford reasserted that it is his “policy to not provide documents on ‘open cases.’”
15. Judge Alford concluded that “if Mr. McKinney knows the PIA, he knows that I am within my bounds to handle it in this matter.”

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “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: “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. Canon 3B(4) of the Texas Code of Judicial Conduct states: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge’s direction and control.”
4. Section 552.003(1)(B) of the Government Code excludes the judiciary from the Public Information Act. Section 552.0035 of the Government Code specifically provides that access to judicial records is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules.
5. In *Ashpole v. Millard*, 778 S.W.2d 169, 170 (Tex.App.—Houston [1st Dist.] 1989, no writ), the court held that the public has a right to inspect and copy judicial records subject to court’s inherent power to control public access to its records. To this end, “[t]he public has a common-law right to inspect and copy judicial records.” *Test Masters Educ. Servs. Inc., v. Robin Singh Educ. Serves, Inc.*, 799 F.3d 437, 454 (5th Cir. 2015). The Fifth Circuit noted that “[t]he right of public access to judicial records not only furthers the interests of the public, but also protects the integrity of the judicial system.” *United States v. Holy Land Found. For Relief. and Dev.*, 624 F.3d 685, 690 (5th Cir. 2010). “The right to public access ‘serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the

judicial system, including a better perception of its fairness.” *Id.* (quoting *Littlejohn v. BIC Corp.*, 851 F.2d 673, 682 (3d. Cir. 1988)).

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Alford’s refusal to permit Mr. McKinney’s request to inspect and copy judicial case files demonstrated a failure to comply with the law and to maintain professional competence in the law. Furthermore, Judge Alford failed to exhibit the patience, dignity, and courtesy expected of a judicial officer while engaged in his official duties when he physically escorted Mr. McKinney out of his office for requesting access to court files. The Commission concludes that Judge Alford’s conduct, as described above, constituted a willful violation of Canons 2A, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Jim L. Alford, Justice of the Peace, Mount Vernon, Franklin County, Texas.

Pursuant to this Order, Judge Alford must obtain **two (2) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2017. In particular, the Commission desires that Judge Alford receive this additional education in the following areas: (1) judicial demeanor and (2) public access to judicial case files.

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 Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Alford in this case.

Judge Alford shall complete the additional **two (2) hours** of instruction recited within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Alford’s responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **two (2) hours** of education described herein, Judge Alford 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.

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 WARNING AND ORDER OF ADDITIONAL EDUCATION** 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 28TH day of March, 2017.

ORIGINAL SIGNED BY

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