



BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT

CJC No. 02-0668-DI

PUBLIC ADMONITION

HONORABLE JAMES H. KEESHAN
359TH JUDICIAL DISTRICT COURT
CONROE, MONTGOMERY COUNTY, TEXAS

During its meeting on August 21-23, 2002, in Austin, Texas, the State Commission on Judicial Conduct (the Commission) concluded a review of allegations against the Honorable James H. Keeshan, Judge of the 359th Judicial District Court, Conroe, Montgomery County, Texas. Judge Keeshan was advised by letter of the Commission's concerns and provided a written response. Judge Keeshan, accompanied by counsel, appeared before the Commission on August 21, 2002 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 James H. Keeshan was Judge of the 359th Judicial District Court, Conroe, Montgomery County, Texas.
2. At about midnight on April 14, 2002, Judge Keeshan and a female companion entered the *30-Something* bar in Conroe. Among the other patrons present at the bar was Larry Dwayne Fultz (hereinafter "Fultz").
3. After approximately 30 minutes, the judge and his companion left the bar.
4. As the judge and his companion drove away from the bar, she informed him that Fultz had insulted and embarrassed her at the bar a few days earlier by loudly calling her a "porno queen."

5. In response to this information, the judge exited the vehicle and walked back to the bar with the intent to confront Fultz for insulting his companion.
6. In his testimony before the Commission, Judge Keeshan explained that he initiated the confrontation with Fultz, who was sitting at the bar, by grasping Fultz' arm, which action caused, or contributed to causing, Fultz to fall from his barstool onto the floor.
7. Immediately after Fultz fell to the floor, Judge Keeshan was notified that the police had been called. Judge Keeshan left the bar before the police arrived.
8. As a result of his confrontation with Fultz, Judge Keeshan was charged with the offense of Disorderly Conduct, a Class C misdemeanor.
9. On July 11, 2002, Judge Keeshan entered a plea of "no contest" to the charge. He was assessed a fine of \$151.00 and sentenced to 90 days deferred adjudication.
10. In his testimony before the Commission, Judge Keeshan acknowledged that he had consumed between 4-6 beers in the hours preceding his confrontation with Fultz. However, the judge opined that his consumption of alcohol that evening was not a contributing factor to the incident that resulted in the criminal charge against him.
11. Judge Keeshan further testified that, in his opinion, his conduct on the evening in question was justified under the circumstances.
12. Judge Keeshan's conduct and the subsequent criminal charge against him received media coverage in Montgomery and Harris counties.

RELEVANT STANDARD

Article 5, §1-a(6)A of the Texas Constitution provides that any Texas justice or judge may be disciplined for 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

Information provided to the Commission on behalf of Judge Keeshan established that the judge has enjoyed a long, distinguished career as a judge and, before that, as the District Attorney, in Montgomery County. However, the Commission concludes from the evidence presented that Judge Keeshan's conduct in this particular matter was undignified and unjustified despite the circumstances leading up to the confrontation. Although the Commission concludes that the judge does not suffer from alcohol abuse, it declines to accept the judge's position that his alcohol consumption did not contribute to his conduct that evening. Given the judge's testimony that he made a conscious decision to return to the bar to confront Fultz regarding the insulting comment made to the judge's companion several days earlier, the public location of the resulting confrontation, and the

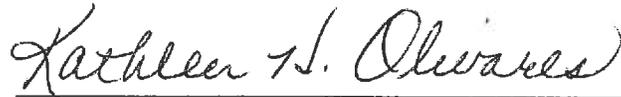
ensuing publicity surrounding the incident and the criminal charge filed as a result of the incident, the Commission concludes that the judge's conduct constituted willful conduct that cast public discredit upon the judiciary, in violation of Article 5, §1-a(6)A of the Texas Constitution.

In condemnation of the above-recited conduct that violated Article 5, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable James H. Keeshan, Judge of the 359th Judicial District Court, Conroe, Montgomery County, Texas.

Pursuant to the authority contained in Article 5, §1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has issued this sanction against Judge Keeshan in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Signed this the 3rd day of September, 2002.



Honorable Kathleen H. Olivares, Acting Chair
State Commission on Judicial Conduct