



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 18-0713, 18-1260, 18-1584, 19-0196 & 19-0335

PUBLIC ADMONITION

**HONORABLE BILL METZGER
FORMER JUSTICE OF THE PEACE, PRECINCT 2, PLACE 2
MESQUITE, DALLAS COUNTY, TEXAS**

During its meeting on August 7-9, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Bill Metzger, Former Justice of the Peace, Precinct 2, Place 2, Mesquite, Dallas County, Texas. Judge Metzger was advised by letter of the Commission's concerns and provided a written response with respect to CJC Nos. 18-0713 and 18-1584, but failed to provide a written response with respect to CJC Nos. 18-1260, 19-0196 and 19-0335. Judge Metzger appeared before the Commission on October 6, 2020 and gave testimony.

BACKGROUND

CJC Nos. 18-0713 & 18-1584

Complainant, Philip A. "Tres" Sartin, III, provided a link to a YouTube video that purportedly showed Judge Metzger improperly removing the campaign sign of a candidate for the Texas House of Representatives, Jim Phaup, from the property of the judge's neighbor. On February 28, 2018, the Dallas ABC affiliate published an article on its website entitled "*Caught on camera: Candidate said judge destroyed campaign sign*," which referred to the same video of Judge Metzger removing Mr. Phaup's campaign sign from the property of the judge's neighbor. Of the person shown in the video removing the sign, Mr. Phaup said "He's very recognizable. It's Judge Bill Metzger." When interviewed in his courtroom regarding the video by the media, Judge Metzger stated "It doesn't look like...I can't tell to be honest," and "I haven't knocked it down. I have taken signs down prior that were placed illegally."

In his written responses to the Commission, Judge Metzger said he was "unable to be sure" if he was the person shown in the video improperly removing the sign, and also expressed his opinion that he did not feel this incident cast public discredit upon the judiciary. During his

appearance before the Commission, Judge Metzger indicated for the first time, that while it was him on the video, he did not “improperly” remove the sign from his neighbor’s property, but rather, properly removed the sign from his own property.

CJC Nos. 18-1260, 19-0196 & 19-0335

Regarding CJC No. 18-1260, Complainant, Toshia Brown, stated Judge Metzger’s court staff refused to allow her to file an application for writ of possession after 3:30 P.M., and further, they would not accept such a filing in the morning until 10:30 A.M., because they were assigned to do birth certificates from 8:00 A.M. to 10:30 A.M.

Regarding CJC No. 19-0196, Complainant, David Hoing, a *pro se* tenant in an eviction case before Judge Metzger, stated the judge failed to forward his appeal of the order denying his pauper’s affidavit to the county court, and that the judge improperly issued a writ of possession after he had timely perfected his appeal.

On September 19, 2018, a jury unanimously found against Mr. Hoing and ordered him to pay \$5,000 in back rent and \$1,000.00 in attorney’s fees. On September 24, 2018, Mr. Hoing filed a “motion to appeal” and “Affidavit of Inability to Pay Costs,” and signed a written acknowledgment that he was required to pay \$500 into the registry of the court by 4:00 P.M., on October 1, 2018, for his pauper’s appeal.

Mr. Hoing timely paid the required fee. On September 25, 2018, Mr. Hoing’s landlord filed a contest to his pauper’s affidavit, and after a hearing on the matter held on October 3, 2018, Judge Metzger entered an Order disapproving of the pauper’s affidavit. On October 8, 2018, Mr. Hoing filed a notice of appeal of Judge Metzger’s decision to deny his pauper’s affidavit. The appeal was not forwarded to the county court, and on October 10, 2018, the court issued a writ of possession for the premises in question.

Regarding CJC No. 19-0335, Complainant Brian Mayes stated Judge Metzger failed to comply with a lawful request under Rule 12 of the Rules of Judicial Administration for copies of certain judicial records.

With respect to each of the above-referenced complaints, per its usual practice, Commission staff sent Judge Metzger a set of written inquiries regarding each matter. Despite numerous opportunities to do so, Judge Metzger did not timely respond to those written inquiries. During his appearance before the Commission, Judge Metzger acknowledged his failure to timely respond to those written inquiries and apologized for that failure.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Bill Metzger was Justice of the Peace for Precinct 2, Place 2, Mesquite, Dallas County, Texas.¹
2. Judge Metzger improperly removed the campaign sign of a candidate for the Texas House of Representatives, Jim Phaup, from the property of the judge’s neighbor.
3. Judge Metzger’s testimony that the sign was placed in close proximity to, or inside the property line of his own property, was not credible.

¹ Judge Metzger lost his bid for re-election in November 2018.

4. Judge Metzger instructed his staff not to accept applications for writs of possession after 3:30 P.M., or before 10:30 A.M.
5. Judge Metzger failed to forward David Hoing's notice of appeal of the denial of his pauper's affidavit to the county court and issued a writ of possession in Mr. Hoing's case after he had timely perfected his appeal.
6. Regarding CJC Nos. 18-1260, 19-0196 & 19-0335, Judge Metzger failed to timely respond to the Commission's written inquiries regarding those matters.

RELEVANT STANDARDS AND AUTHORITIES

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 relevant part: "A judge should be faithful to the law and shall maintain professional competence in it."
3. Article V, Section 1-a(6)A of the Texas Constitution provides, in pertinent part, that a judge can be sanctioned 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."
4. Texas Government Code Section 33.001(b)(5) defines "wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" to include "failure to cooperate with the commission."

CONCLUSIONS

Based upon the particular evidentiary record before it in this matter and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Bill Metzger, Former Justice of the Peace for Precinct 2, Place 2, in Mesquite, Dallas, County, Texas should be publicly admonished for: (1) failing to follow the law and to maintain professional competence in the law by; (i) instructing his staff to not accept applications for writs of possession after 3:30 P.M., or before 10:30 A.M.; and, (ii) not forwarding David Hoing's notice of appeal of the denial of his pauper's affidavit to the county court, and issuing a writ of possession after Mr. Hoing had timely perfected his appeal, in violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct; (2) failing to follow the law and engaging in willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties, by failing to timely submit a response to Staff's letters of inquiry in CJC Nos. 18-1260, 19-0196 and 19-0335, in violation of Canon 2A of the Texas Code of Judicial Conduct and Article 5, §1-a(6)A of the Texas Constitution²; and, (3) casting public discredit on the judiciary by removing political candidate Jim Phaup's campaign sign on the judge's neighbor's property, and in his interview with the media regarding that incident, in violation of Article 5, §1-a(6)A of the Texas Constitution.

² With respect to Mr. Mayes's complaint regarding the manner in which Judge Metzger responded to his Rule 12 request for judicial records (CJC No. 19-0335), the Commission does not herein conclude Judge Metzger's response to the Rule 12 request merits sanction. The sanction issued with respect to CJC No. 19-0335 is solely related to Judge Metzger's failure to cooperate with the Commission's investigation.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a of the Texas Constitution with the intent of assisting Judge Metzger should he seek judicial service in the future, as well as in a continuing effort to protect the public confidence in and high standards for the judiciary.

Issued this the 12th day of November, 2020.



David Hall

Chairman, State Commission on Judicial Conduct