



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 14-0823-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE ESEQUIEL (“CHEQUE”) DE LA PAZ
JUSTICE OF THE PEACE, PRECINCT 4
KINGSVILLE, KLEBERG COUNTY, TEXAS**

During its meeting on October 15-16, 2014, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Esequiel (“Cheque”) De La Paz, Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas. Judge De La Paz 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 Esequiel (“Cheque”) De La Paz, was Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas.
2. In March of 2014, Judge De La Paz met privately with an electrician who informed the judge that he had not been paid by the contractor for electrical work performed at a building site.
3. After meeting with the electrician, Judge De La Paz met with a Kingsville building inspector to determine if the electrician’s work had been completed and whether the building inspector had issued a “green tag” at the building site, which would have permitted the contractor to turn on the electricity at the property.
4. Shortly thereafter, on or about April 3, 2014, Judge De La Paz telephoned the home of the contractor. In a conversation with the contractor’s teenage son, Judge De La Paz identified himself and advised the son that his father owed money to the electrician; his father needed to pay the electrician; the judge was trying to save his father “court fees;” and the father needed to call the court about the “balance that was being claimed” by the electrician.

5. Shortly thereafter, the contractor called Judge De La Paz to discuss the electrician's claims.
6. During this call, Judge De La Paz advised the contractor that it would be "best for [him] to pay the electrician to avoid the costs associated with going to court" and insisted that the contractor should pay the electrician.
7. In addition, Judge De La Paz informed the contractor that he had already spoken to the city's building inspector and had learned that a green tag had been issued to the contractor. The judge also advised the contractor that the building inspector might need to be summoned to court to testify if the electrician filed a lawsuit against him.
8. At the time of the above-described events, there was no case pending in Judge De La Paz's court relating to the dispute between the contractor and the electrician.
9. On or about May 15, 2014, the electrician filed a lawsuit against the contractor in Judge De La Paz's court claiming that the contractor had breached the parties' contract.
10. The contractor retained an attorney and subsequently filed a counterclaim, in which he alleged that the electrician had breached the parties' contract by failing to satisfactorily perform his job. In particular, the counterclaim alleged that the contractor had been required to retain the services of another electrician to correct the defective work and to complete the job as contemplated by the parties' contract.
11. The contractor also filed a "Motion to Recuse Judge," based on Judge De La Paz's previous communications with the parties in the case, as well as with the city's building inspector. In the motion, the contractor alleged that Judge De La Paz's conduct had caused him to have "personal knowledge of disputed evidentiary facts in this case" and to develop a bias in the case in favor of the electrician.
12. Judge De La Paz agreed to recuse himself and transferred the case to another justice of the peace in the county, who held a trial on July 29, 2014.
13. Following trial, the other justice of the peace concluded that the electrician had not satisfactorily performed his work in accordance with the parties' contract, and that the contractor had incurred additional expenses in correcting the defective work performed by the electrician.
14. The other justice of the peace issued a judgment in favor of the contractor on his counterclaim, and further ordered the electrician to pay the contractor's attorney's fees.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: "A judge shall comply with the law ..."
2. Canon 2B of the Texas Code of Judicial Conduct provides, in relevant part: "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge should be faithful to the law and shall maintain professional competence in it."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge De La Paz failed to comply with the law and demonstrated a lack of professional competence in the law by intervening in a private dispute between the contractor and the electrician when no case was pending in his court. Further, Judge De La Paz exceeded his authority when he conducted an independent investigation into the merits of the electrician's claims by meeting with a witness and the parties to the dispute. As a result of his independent investigation, Judge De La Paz obtained information from an extra judicial source and used that information to form an opinion that the contractor was indebted to the electrician. In all of his actions on behalf of the electrician, Judge De La Paz lent the prestige of his judicial office to advance the electrician's private interests and gave the impression that the electrician was in a special position to influence the judge. By attempting to assist the electrician in recovering payment from the contractor, Judge De La Paz abandoned his judicial role as a neutral and independent arbiter of the facts, which necessitated his recusal from the case once the matter was filed in his court. In light of the above, the Commission concludes that Judge De La Paz engaged in willful and persistent violations of Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct. In reaching this decision, the Commission considered as an aggravating factor the fact that it had recently issued a public sanction against Judge De La Paz for substantially similar conduct.

In condemnation of the conduct described above that violated Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to Judge Esequiel ("Cheque") De La Paz, Justice of the Peace, Precinct 4, Kingsville, Kleberg County, Texas.

Pursuant to this Order, Judge De La Paz must obtain **two (2) hours** of instruction with a mentor judge, in addition to his required judicial education in Fiscal Year 2015. In particular, the Commission desires that Judge De La Paz receive this additional instruction in the area of (1) the limits of a judge's authority to intervene in or mediate disputes that are not pending in his court; (2) avoiding the use of the prestige of judicial office to advance the private interests of the judge or others; and (3) maintaining impartiality by avoiding independent investigations into the merits of matters that may come before the court.

Judge De La Paz shall complete the additional **two (2) hours** of instruction described above within **sixty (60) days** from the date of written notification from the Commission of the assignment of a mentor. Upon receipt of such notice, it is Judge De La Paz's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **two (2) hours** of instruction described above, Judge De La Paz 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 REPRIMAND 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 19th day of December, 2014.

ORIGINAL SIGNED BY

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