



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 07-0251-JP**

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**PUBLIC ADMONITION**

**HONORABLE BOB WALL  
JUSTICE OF THE PEACE, PRECINCT 2, PLACE 1  
BROWNWOOD, BROWN COUNTY, TEXAS**

During its meeting on October 18, 2007, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas. Judge Wall was advised by letter of the Commission's concerns and provided a written response. 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 Bob Wall was Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas.
2. On or about September 30, 2005, Judge Wall provided a sworn statement to a Texas Ranger concerning Brown County Precinct 1 Constable Donnie Barnum ("Barnum").
3. According to Judge Wall's statement, in late 2004, shortly after being appointed to the position of Brown County Constable, Barnum began filing traffic citations in Judge Wall's court.
4. Judge Wall contacted Barnum's supervisor and advised him that he would not accept any citations written by Barnum.

5. Judge Wall then met with Barnum personally. At that meeting, Judge Wall informed Barnum that he was dismissing the pending traffic cases that had been filed by Barnum and that he would no longer accept citations written by Barnum.
6. In his statement, Judge Wall explained that he refused to accept any citations written by Barnum because the judge felt strongly, based on personal experiences, that Barnum was not a credible person. Judge Wall explained that before becoming a judge, he and Barnum had worked together as deputy constables in Brown County.
7. On or about April 20, 2006, Judge Wall testified in Cause No. CR-18, 107, styled *The State of Texas vs. Donnie Barnum*, a removal proceeding pending before the 35<sup>th</sup> Judicial District Court in Brown County, Texas.
8. At the trial, Judge Wall testified that he did not think constables should be writing traffic citations; that he did not think Barnum should be issuing traffic citations in Precinct 2; and that he did not believe Barnum had the temperament or judgment to be a peace officer.
9. Judge Wall also testified that he told Barnum that neither he nor the County Attorney would prosecute citations filed in Precinct 2 that had been written by Barnum.
10. In his testimony before the court, Judge Wall acknowledged that he did not have the legal authority to tell a peace officer not to file a complaint or citation in his court.
11. Judge Wall added that he would continue to tell that peace officer not to file a citation in his precinct even if he did not have the legal authority to do so because it was “his precinct” and “his right” to voice his opinion about that officer.
12. Judge Wall further acknowledged that he had allowed his personal opinion of Barnum to affect his judicial conduct or judgment by not allowing Barnum to file citations in his court and by *sua sponte* dismissing traffic cases involving citations that had been written by Barnum.
13. Following the trial, Barnum was convicted of the offense of official oppression and removed from office.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law . . . .”
2. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not allow any relationship to influence judicial conduct or judgment.”
3. Canon 3B(1) of the Texas Code of Judicial Conduct states: “A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.”

4. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge . . . shall maintain professional competence in [the law].”
5. Canon 3B(5) of the Texas Code of Judicial Conduct states: “A judge shall perform judicial duties without bias or prejudice.”

### CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Wall failed to comply with the law and demonstrated a lack of professional competence in the law by *sua sponte* dismissing traffic cases filed by Constable Barnum without a motion to dismiss from the prosecutor and by refusing to accept citations or complaints written by Constable Barnum in Precinct 2. Although Judge Wall may have had a valid concern about Barnum’s credibility as a witness, his prior relationship with Barnum and his personal opinion that Barnum lacked credibility, good judgment or the appropriate temperament for a peace officer raised legitimate questions as to the judge’s impartiality in cases where Barnum would be a witness. Rather than dismiss cases and refuse to accept filings, the appropriate remedy would have been for Judge Wall to recuse himself from those cases. Judge Wall’s actions in this matter constituted willful or persistent violations of Canons 2A, 2B, 3B(1), 3B(2) and 3B(5) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canons 2A, 2B, 3B(1), 3B(2) and 3B(5) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown 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 ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect 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 13TH day of DECEMBER, 2007.

#### ORIGINAL SIGNED BY

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Honorable Sid Harle, Chair  
State Commission on Judicial Conduct