



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 07-0384-JP**

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**PUBLIC ADMONITION**

**HONORABLE GARY GEICK  
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 2  
ROSENBERG, FORT BEND COUNTY, TEXAS**

During its meeting on April 16-18, 2008, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Gary Geick, Justice of the Peace for Precinct 1, Place 2, in Rosenberg, Fort Bend County, Texas. Judge Geick was advised by letter of the Commission's concerns and provided a written response. Judge Geick was invited to appear before the Commission to give testimony, but declined to appear. In lieu of an appearance, Judge Geick filed supplemental information for the Commission's consideration. 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 Gary Geick was Justice of the Peace for Precinct 1, Place 2, in Rosenberg, Fort Bend County, Texas.
2. On or about December 18, 2006, William Fuller ("Fuller") attempted to file a forcible detainer ("eviction") case in Judge Geick's court, but was advised by the judge's staff that Judge Geick had a policy of not accepting eviction filings during the latter part of the month of December.
3. Judge Geick's staff advised Fuller that he could file his eviction action in the other justice of the peace court in the precinct or, alternatively, return on January 2, 2007, when Judge Geick's court would resume accepting eviction filings.
4. In his response to the Commission's inquiry, Judge Geick acknowledged that in the past, he did not accept eviction filings during the latter part of the month of

- December, and had not done so since he first took the bench approximately twenty years ago.
5. Judge Geick explained that he refused to accept eviction filings during late December because he did not want to “kick someone out of their home at Christmas.”
  6. Judge Geick further explained that he routinely takes a vacation during part of the month of December, and he believed that if he accepted eviction filings prior to his vacation, he would not be able to dispose of them in a timely manner.
  7. Judge Geick stated that he and his staff would therefore meet on an annual basis to determine the last date on which they would accept eviction filings in December, and the first date on which they would resume accepting such filings upon the judge’s return from his vacation.
  8. According to Judge Geick, he instructed his court staff to advise landlords wishing to file eviction cases during this period to file in the other justice of the peace court in the precinct or, alternatively, wait until his court began accepting filings again in January.
  9. Judge Geick stated that his court staff only refused to accept eviction filings during this period, and would accept all other filings from litigants during this time.
  10. After Fuller reported his concerns about the judge’s refusal to accept eviction filings in December to a reporter for the *Fort Bend/Southwest Star*, Judge Geick made statements to the local media defending his practice, declaring that for the last twenty years he had not accepted eviction filings when “it gets close to Christmas,” and that “[n]o matter what,” he did not intend to do so for the next four years of his term of office.
  11. Judge Geick concluded his statements to the media by noting that he had surveyed “86 defendants waiting for their cases to be heard” in his court and that all of them supported his position, and that he believed “most people will support my position.”
  12. Judge Geick advised the Commission that he now realizes that his practice was not authorized by law, and he has therefore instructed his staff to accept all evictions cases from landlords regardless of the date on which they are filed.

### **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(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.”

3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: “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.”

### CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Geick failed to comply with the law and demonstrated a lack of professional competence in the law by engaging in a twenty-year long practice of refusing to accept eviction filings from landlords for part of the month of December. Although Judge Geick may have had good intentions for creating this policy, the Commission found no statutory or other legal authority that would allow a judge to simply refuse to accept cases for filing over which his court has jurisdiction and venue. Moreover, such a policy is unwarranted given that the law provides several options that Judge Geick could utilize when he is absent from the court for extended periods of time, such as requesting that the county appoint a qualified temporary justice to hear the judge’s cases in his absence, or arranging to transfer cases to another justice court or to have another justice in his precinct or county preside over hearings in his court. Public confidence in the independence, impartiality, and integrity of the judiciary demands that every judge uphold the laws of this State. Allowing public clamor or a fear of criticism to influence, or appear to influence, a judge to adopt or enforce a policy or practice that is not otherwise sanctioned by law undermines the public’s trust and confidence in our judiciary. In light of this, the Commission finds that Judge Geick’s conduct in this matter constituted willful and persistent violations of Canons 2A, 3B(1) and 3B(2) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canons 2A, 3B(1) and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Gary Geick, Justice of the Peace for Precinct 1, Place 2, in Rosenberg, Fort Bend 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 5th day of May, 2008.

### ORIGINAL SIGNED BY

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Honorable Sid Harle, Chair  
State Commission on Judicial Conduct