



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 07-0716-DI**

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**PUBLIC WARNING  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE HAL MINER  
47<sup>TH</sup> JUDICIAL DISTRICT COURT JUDGE\*  
AMARILLO, POTTER COUNTY, TEXAS**

During its meeting on April 16-18, 2008, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Hal Miner, Judge of the 47<sup>th</sup> Judicial District Court, in Amarillo, Potter County, Texas. Judge Miner was advised by letter of the Commission's concerns and provided a written response. Judge Miner appeared before the Commission, with counsel, on April 18, 2008, and gave testimony. 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 Hal Miner was Judge of the 47<sup>th</sup> Judicial District Court in Amarillo, Potter County, Texas.
2. On or about December 14, 2006, Judge Miner attended a Christmas party hosted by a local law firm.
3. Guests at the annual party included law enforcement officers, court staff, probation department employees, attorneys, and other judges.

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\* The 47<sup>th</sup> Judicial District Court covers Potter, Randall and Armstrong Counties.

4. According to at least two witnesses, soon after arriving at the party, Judge Miner approached a female attorney and “slapped” her buttocks.
5. The judge approached the attorney a second time, where his hand made contact with her buttocks again.
6. According to one of the witnesses, the judge also joked about the attorney’s height, commenting to the effect that he had intended to slap her on her back, but her “ass” was at hand level.
7. When asked to either verify or refute the testimony concerning his comments to the attorney, Judge Miner told the Commission that he could not recall if he had made those remarks.
8. Both witnesses stated that they were dismayed, surprised, and disappointed by the judge’s conduct, which they observed to have been clearly unwelcome by the attorney at the time.
9. At least one of the witnesses stated that he discussed the incident with other guests at the party and with his colleagues at work the following day.
10. Although Judge Miner was unable to recall the specifics of the incident in question, he did acknowledge in his written and oral testimony before the Commission that “[the allegations] are basically true except that I did not think it would be offensive to her.”
11. Judge Miner described his actions as being “spontaneous” and “directed at a person that I have the highest professional and personal respect for.”
12. Judge Miner explained that the attorney in question regularly appears before him and used to serve as a prosecutor assigned to his court.
13. The attorney, who did not file the complaint against the judge and was unhappy that one was filed, informed the Commission that she had met with Judge Miner privately to express her feelings about the incident, and now “considers the matter closed.”
14. In a subsequent statement provided to the Commission, the attorney testified that she could understand why those who observed the judge touching her buttocks at the party might “misinterpret the contact” and be offended.
15. The attorney went on to defend Judge Miner by stating that she herself was not offended by his conduct “because of who I am and how I handle myself,” and because of her long-term professional relationship with the judge.

### **RELEVANT STANDARD**

Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for a willful violation of the Texas Code of Judicial Conduct, or 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

The Commission concludes based on the facts and evidence before it that Judge Miner's undignified and offensive behavior at the Christmas party brought public discredit upon the judiciary. Although Judge Miner stated that he did not believe the attorney would be offended when he touched her buttocks in front of their colleagues and other guests attending the party, and despite the attorney's later protestations that she was not offended by the judge's conduct, those individuals who witnessed the intimate contact between a judicial officer and a female attorney who regularly practices before his court found the conduct to be embarrassing and improper, and discussed the unpleasant incident with other members of the legal community in the days and weeks following the party. The Commission concludes, therefore, that Judge Miner's actions in this matter constituted a willful or persistent violation of Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Hal Miner, Judge of the 47<sup>th</sup> Judicial District Court, Amarillo, Potter County, Texas.

Pursuant to this Order, Judge Miner must complete an **eight (8) hour** course covering the topics of gender sensitivity and sexual harassment, which course shall be approved in advance by the Commission. Such instruction shall be in addition to the judge's required judicial education for the fiscal year.

Judge Miner is hereby directed to complete the additional education recited above within **one hundred and twenty (120) days** from the date of this Order. It is Judge Miner's responsibility to schedule and complete the additional education, at his own expense, and to provide proof of completion, along with the Respondent Judge Survey, to the Commission within **ten (10) days** following the conclusion of the training.

Failure to complete 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 conduct described above be made the subject of a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

The Commission takes this action 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 Code of Judicial Conduct.

Issued this **14th** day of **May, 2008**.

**ORIGINAL SIGNED BY**

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Honorable Sid Harle, Chair  
State Commission on Judicial Conduct