



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 05-0815-RT

PUBLIC ADMONITION

**HONORABLE ERIC ANDELL
FORMER APPELLATE JUDGE
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting in Austin, Texas, on April 13, 2006, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Eric Andell, a former Appellate Judge, Houston, Harris County, Texas. Judge Andell 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 Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Eric Andell was a former Appellate Judge available to serve on assignment.
2. On or about February 28, 2005, Judge Andell was charged by information of one misdemeanor count of violating the federal conflict of interest statute, 18 U.S.C. §§208(a) and 216(a)(1).
3. The offense arose as a result of Judge Andell's approval of travel for himself as a Deputy Under Secretary for Safe and Drug-Free Schools within the U.S. Department of Education between November 2002 and September 2003.
4. Specifically, Judge Andell authorized and approved travel for himself at government expense on approximately fourteen (14) occasions to New York City, Austin, Houston, Detroit, and Columbus, Ohio, which included travel for personal purposes.
5. As part of several of these trips, Judge Andell was paid for sick leave, when in fact he was working and being paid as a visiting judge in Texas.

6. Judge Andell failed to record on U.S. Government financial disclosure forms his salary from serving as a visiting judge in Texas.
7. Because of Judge Andell's financial interest in these trips, the government concluded that it was a conflict of interest for the judge to authorize or approve them.
8. On or about March 10, 2005, Judge Andell signed and approved a Plea Agreement, wherein he admitted the facts supporting the charge against him.
9. On or about April 29, 2005, Judge Andell entered a guilty plea in the United States District Court for the District of Columbia to the charge against him.
10. Prior to entering his guilty plea, Judge Andell paid full restitution in the amount of \$8,660 to the federal government.
11. On or about July 29, 2005, Judge Andell was sentenced to a one-year term of unsupervised probation, fined \$5,000, and ordered to perform 100 hours of community service.
12. In his written responses to the Commission's inquiry, Judge Andell accepted full responsibility for his conduct.
13. The criminal case against Judge Andell received widespread media attention in Texas.

RELEVANT STANDARDS

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. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.

CONCLUSION

The Commission concludes from the facts and evidence presented that while serving as a visiting judge in the State of Texas, Judge Andell failed to comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity of the judiciary by engaging in conduct that constituted a violation of the federal conflict of interest statutes. As a public official charged with upholding the honor and integrity of the judiciary, Judge Andell knew or should have known that his actions would cast public discredit upon the integrity of the judiciary. Based on the foregoing, the Commission concludes that the judge's actions constituted a willful violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canon 2A of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution, it is

the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Eric Andell, former Appellate Judge, Houston, Harris County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

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 15th day of June, 2006.

ORIGINAL SIGNED BY

Honorable Monica A. Gonzalez, Chair
State Commission on Judicial Conduct