

**JUDGE’S RECOMMENDATION TO COMMISSIONER’S COURT MEMBERS TO
ENTER CONTRACT TO PROVIDE INDIGENT DEFENSE COUNSEL WITH
MEMBER OF LAW FIRM OF WHICH COUNTY JUDGE IS “OF COUNSEL”**

Opinion No. 298 (2015)

QUESTION: Does a judge violate any rule of judicial conduct by recommending to the members of the commissioner’s court that they enter into a contract to provide indigent defense with a member of a law firm of which the county judge of the same county is “of counsel”?

ANSWER: Yes. Canon 2B states, “A judge shall not allow any relationship to influence judicial conduct or judgment. 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. A judge shall not testify voluntarily as a character witness.” Using the same reasoning as used in Texas Professional Ethics Opinions 530 and 540, citing the county judge’s budgetary control over the statutory county courts, there would be perceived influence by the county judge over the statutory county court at law judge. Because of the relationship between the county judge and the members of the firm, there would be a perceived influence by the county judge even if the county judge was not hired under the county’s indigent defense contract.