

## Judge Clifford needs to bow out gracefully

By: Les Minor - Texarkana Gazette

Sometimes it is necessary to state the obvious, if only to show it didn't fall on deaf ears.

To that end, residents of Red River and Lamar counties need to find a new district judge.

It would be nice if he would just step down now. Or, less optimally, decide not to run for another term.

But short of those outcomes, voters should seek out an opponent to challenge him, and then actualize their unhappiness with his flawed jurisprudence when they go to the polls. Let him hear the rumble of voter discontent in a landslide defeat.

Not only is 6th District Judge Eric Clifford haunted by past failings, but those failings have left him ineffectual going forward.

These failings have been well-documented. In September, the Texas Commission on Judicial Conduct issued a nine-page public reprimand related to his conduct. If only one or two missteps were noted, maybe a little forgiveness would be in order. But Clifford, who has been on this bench since 2009, had to defend himself against a laundry list of mistakes, and his responses to the commission did nothing to restore confidence in his ability to adjudicate effectively. To many onlookers, he seemed inclined to just brush aside these transgressions, or marginalize them.

Among the findings to reprimand outlined: He made inappropriate public comments about cases pending in his court, used his judicial title to promote his private business interests, threatened a law enforcement officer and played favorites when appointing lawyers to criminal cases.

Examples were many, both in the courtroom and outside it, and he frequently blamed court officials and others when he defended himself in the front of the commission.

Since then, things have gone from bad to worse. Comments Clifford made about Lamar County's district attorney and practicing attorneys in Red River and Lamar counties, as well as the reprimand itself, are cited in dozens of motions for Clifford to recuse himself. Thirty of these cases are in Lamar County; 13 are in Red River County.

While some lawyers worry about Clifford's perceived bias in general, others worry they might not get a fair shake if he thinks they complained about him to the Commission on Judicial Conduct, whether they did or not.

Lamar County District Attorney Gary Young, who has filed the bulk of the recusal motions in Lamar County, has stated in motions that Clifford "made disparaging remarks about the elected district attorney and his staff" and "has a personal bias or prejudice against the Lamar County Attorney's Office."

Another lawyer, Mark Leshner, states in a recusal motion that Clifford has a "personal bias or prejudice concerning counsel, in that Judge Clifford likely suspects that counsel participated in the complaint that led to the public reprimand."

Clifford's strained relationship with the DA's Office, and the alternative handling of the many cases over which he will now not preside, will drag the judicial system of this county down. Somebody has to hear these cases. That somebody has to get paid. This is not the way the legal system is supposed to run.

If his actions that sparked the public reprimand do not in and of themselves rise to the level of actively seeking his replacement, then the lack of effectiveness since then should.

If he resigns, the governor's office would name a replacement.

Clifford's term expires Dec. 13, 2016. But he will have to decide by the end of the year whether to seek another term.

Knowing this, voters in these two Northeast Texas counties needed to take him out of office, if he doesn't take himself out—which would be the honorable thing for His Honor to do.