

# Sanctions, recusals impact courts

**Danielle Kloap | Posted: Thursday, December 3, 2015 10:41 am**

A visiting judge may have to hear criminal court cases after Judge Eric Clifford granted about 45 motions to recuse himself after the state released his testimony from a State Commission on Judicial Conduct hearing.

Clifford, the elected judge for the 6th judicial district covering Lamar and Red River counties, received a public reprimand from the commission in September based on 11 complaints filed against him. The commission found the judge violated canons in the Texas Code of Judicial Conduct after he testified in front of commissioners in August.

After the commission released the recordings of Clifford's hearing, available as a public record, his testimony revealed remarks made about District Attorney Gary Young's office and attorney Don Haslam, among others. Those remarks have led Young and Haslam to file motions asking Clifford to recuse himself from cases where his "impartiality might be reasonably questioned," according to the motions.

Judge Mary Murphy presides over the first administrative judicial region, which oversees several judicial districts including the 6th and 62nd, and has the authority to either transfer a case to the next available court or assign a visiting judge when a judge recuses from a case, according to Murphy's office.

Judge Will Biard, presiding over the 62nd district covering Lamar, Hopkins, Delta and Franklin counties, confirmed Murphy appointed former 62nd District Judge Scott McDowell to serve as a visiting judge. Biard said Clifford's recusals have amounted to "at least 50 criminal cases" being transferred to him and Lamar County Court-at-Law Judge Bill Harris.

Biard said McDowell would only hear cases through the end of the year if he and Harris are too busy and a case needs to be heard. In 2016, Biard's and Harris's schedules can be adjusted to take on those additional cases, Biard said. McDowell would be paid through a state fund for visiting judges, according to Biard.

Biard said receiving those cases from Clifford has increased his case load but he serves the public and is "happy to go to work and get it done."

## **Motions to recuse from the state**

Young has filed motions requesting Clifford recuse himself from more than 30 cases in Lamar County since October, according to court documents.

If the judge does not comply with the motion and challenges it, Murphy would appoint a judge to hold a hearing, Texas Government Code states. So far, court documents show Clifford has not challenged

these motions and has recused himself.

Young filed his latest motion Nov. 24 to recuse Clifford. The motion lists several supporting reasons for the recusal, including Clifford met with a member of the jury pool the week before jury selection who said he is the cousin of the defendant.

The motion also cites Clifford admitted to checking emails on his cell phone during testimony in the trial “because it was the ‘most boring case’ that he’d ever heard” as a reason for recusal.

Young noted several instances from the judge’s public reprimand, including his remarks made during testimony before the State Commission on Judicial Conduct about the district attorney and his staff.

In the public recordings from the commission hearing, Clifford states there is a “problem in the district attorney’s office” and said his bailiff told him the office has a 27 percent conviction rate.

Young said a conviction rate of 27 percent would be “literally impossible.” The district attorney’s office has handled about 485 felony cases so far this year with nearly a 95 percent conviction rate, according to court records.

Clifford later said during his testimony, Harris has to help law enforcement draft warrants because “no one will answer the phones at night” at Young’s office. Paris Police Chief Bob Hundley said he does not “know of that taking place,” regarding Clifford’s accusation of Harris writing search warrants.

“Judge Harris has a long history as a prosecutor and taught officers how to write search warrants prior to his becoming a judge,” Hundley said.

Young said Clifford’s accusations about his office are “100 percent inaccurate” and he expects to file “many” more motions to recuse Clifford.

“Judge Clifford continues to meet with defendants’ family members and others and we will continue to file motions to recuse when the need arises,” Young said. “In fact, just weeks after he received his public reprimand, Judge Clifford was seen meeting with a murder suspect’s father in his office for over 30 minutes. It is fairly obvious that he did not take the public reprimand to heart.

“It is difficult to try a case in his courtroom when you have no idea whom he has talked to prior to the trial beginning,” Young said. “I know how we feel about it in this office and I imagine victims and family members of victims feel the same.”

## **Judgeship**

Clifford first ran for the 6th district judge position, his only judgeship, in 2008 as a Republican, according to his testimony before the commission.

He also helped establish Lamar National Bank and while still a director, testified before the commission after a complaint was filed he only serves to represent his family’s “investment” in the

bank. He testified he receives \$250,000 in dividends from the bank each year. Clifford resigned from the Lamar National Bank Board of Directors and the bank holding company on Sept, 22, according to Lamar National Bank President Michael Rhodes.

Clifford also receives \$140,000 in salary from the state for being a district judge, and qualifies for up to \$18,000 in additional compensation yearly, according to the Texas Judicial Branch's website.

Clifford ran for re-election of his seat and won in 2012. The Texas secretary of state's website shows Clifford has met all of the requirements and filed the proper paperwork to appear on the Republican primary ticket in March for the November 2016 election.

Clifford did not return a call seeking comment. Visit [theparisnews.com](http://theparisnews.com) to read the motions to recuse and the public reprimand, and to hear a recording of Clifford's testimony before the State Commission of Judicial Conduct.

Read more about other attorneys who have filed motions to have Clifford recused from cases [here](#).