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# Former judge banned from office could collect disability pay

Clifford, who stepped down to avoid further disciplinary action, might be eligible for \$70K salary, health benefits

July 3rd, 2016 | by Lynn LaRowe | in Texarkana News | Read Time: 4 mins.

Former 6th District Judge Eric Clifford has agreed he will never again serve as a Texas judge to avoid further disciplinary action by the State Commission on Judicial Conduct.

Clifford has come under fire since the commission issued a nine-page public reprimand in September for a wide range of misconduct stemming from a bevy of complaints. The commission found Clifford used his title as judge to promote his private banking business interests, made inappropriate public comments about pending criminal and custody cases, played favorites when appointing lawyers, threatened a law enforcement officer and misused his office when demanding that a neighbor pay him for veterinary bills.

"Finally, the Commission concludes that Judge Clifford's initial lack of candor during the Commission's investigation into these allegations proved to be an aggravating factor in reaching a final decision in this case," the reprimand states.

Clifford inked his signature May 19 on an agreement that bans him from judicial service, including performing marriage ceremonies, in lieu of discipline for three additional complaints. Because the complaints are being dismissed as moot in light of Clifford's agreement, they are not available for public review.

However, a complaint filed in November of last year by Paris, Texas, lawyer Don Haslam was provided to the Gazette. Haslam's complaint concerns Clifford's sworn testimony before the commission last August.

When the commission's reprimand became public, an audio recording of Clifford's testimony became public as well. In response to the commission's questions, Clifford made disparaging statements about Haslam, Lamar County District Attorney Gary Young and other lawyers. He also claimed that a decision to remove Haslam from the list of lawyers eligible to receive court appointments to felony cases was made jointly by him and County Court at Law Judge Bill Harris.

Harris denied ever having a discussion with Clifford about removing Haslam from the appointment wheel in an interview with the Gazette last year. Young and the Lamar County sheriff refuted statements Clifford made about the relationship between law enforcement and the DA's office. Haslam's complaint accuses Clifford of lying under oath and of committing the criminal offense of perjury.

"Good riddance," Haslam said of Clifford's judicial ban. "Paris, Texas, has been run by men who confuse their daddy's money with their own character for generations. Eric Clifford is just exhibit 217. I hope the community recognizes it has a chance at change in November."

In response to the public release of Clifford's testimony, Haslam, Young and many defense lawyers filed more than 60 motions asking that Clifford recuse himself from pending cases. Copies of the commission's reprimand and quotes from his sworn testimony are attached as exhibits. The recusals meant other judges had to step in and assume the cases Clifford's comments made him ineligible to hear. Clifford essentially became ineffective and when he resigned in March citing health reasons, the docket in the 6th District was significantly backlogged.

Last year Clifford pulled his name as incumbent from the list of candidates for the 6th District bench on the last day to do so. Judges must serve at least three terms to be eligible for pension benefits.

But Clifford may have found a loophole.

"ERS (Employee's Retirement System of Texas) and (Texas Supreme Court) Chief Justice (Nathan) Hecht have certified my eligibility for disability retirement," states the first of two sentences that make up Clifford's resignation letter.

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The second sentence makes the resignation effective March 23. However, the letter is dated March 14 and bears a stamp showing it was received that day by the governor's office.

ERS will not comment on a specific employee's case, though an ERS handbook for judges concerning their retirement benefits notes that a judge is eligible for "disability retirement" after seven years. Clifford hit the seven-year mark Jan 1. Clifford was required to submit opinions from two licensed doctors supporting his claims of disability, and the disability had to be "certified as mentally or physically incapacitating by the chief justice of the Supreme Court and the ERS medical board."

Texas Supreme Court staff attorney Osler McCarthy said in an earlier interview that Hecht was contacted by Clifford's lawyer, Greg Reed of Austin, in late January about disability retirement.

"Chief Justice Hecht referred him to ERS to make application and for evaluation by its medical board. He granted Judge Clifford's eligibility for retirement, based on disability, on Feb. 22 after the ERS medical board certified it," McCarthy said. "I do not know if the chief justice was aware of Judge Clifford's reprimand, but the law makes no exception for benefits eligibility for a judge who has not been removed from office."

During his testimony before the commission in August last year, Clifford testified that he receives about \$250,000 annually in dividends from Lamar National Bank in Paris, where he is a major shareholder and board member.

Clifford is on track to receive health insurance at state expense and monthly payments equal to half of his usual salary "for as long as the disability continues." ERS spokeswoman Mary Jane Wardlow said disability retirees are paid at 50 percent of their salary and that they continue to receive health insurance benefits. If a judge remains disabled until death, disability payments continue until then. Texas pays district judges \$140,000 per year.

That means Clifford could bank \$70,000 annually in Texas tax dollars while the state foots the bill for his health coverage until he dies.

"That certainly doesn't seem like a good use of tax money," said state Rep. Gary VanDeaver. "I want to find out more facts about this."

VanDeaver was out of state Friday but said he will embark on a review of the Clifford disability benefits situation next week.

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