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LEGAL ETHICS

Texas judge opined that some people 'need to be killed,' reprimand says

POSTED SEP 22, 2015 05:45 AM CDT

BY DEBRA CASSENS WEISS (HTTP://WWW.ABAJOURNAL.COM/AUTHORS/4/)



A judge in Paris, Texas, has been reprimanded in part because of his comments during a Kiwanis Club meeting that some people "need to be killed."

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Judge Eric Clifford was reprimanded for several incidents, including his Kiwanis Club comments about a woman who was accused of killing her husband, report Texas Lawyer (http://www.texaslawyer.com/home/id=1202737408922) (sub. req.) and KXII (http://www.kxii.com/home/headlines/Lamar-County-judge-reprimanded-328129941.html). Clifford disparaged the victim, said some people "need to be killed" and opined that "the state will never get an indictment."

The woman was indicted on a murder charge, but the charge was reduced to manslaughter after it was filed in Clifford's court. The judge discussed a possible plea deal with the defense lawyer, without the presence of the prosecutor, according to the reprimand (http://media.graytvinc.com/documents/Hon.+Eric+Clifford+Public+Reprimand.pdf) (PDF). The prosecution asked Clifford to recuse himself from the case, and Clifford obliged.

Clifford had served as mayor of Paris from 1995 to 1998.

Other allegations in the Sept. 5 reprimand, filed by the State Commission on Judicial Conduct, include:

- Clifford didn't follow Lamar County's random system for appointing criminal defense lawyers to represent indigent defendants, assigning one lawyer, David Turner, a disproportionate number of cases that paid \$82,000 in fees over a one-year span. Clifford said he believed the lawyer was the best qualified. In one case, Clifford replaced the appointed lawyer with Turner.
- Clifford appointed the favored lawyer, Turner, to represent an auto mechanic who had worked on Clifford's cars and had previously lived in the judge's airplane hangar. The mechanic was arrested for possession of cocaine while riding Clifford's scooter. Clifford accepted a plea deal in the case and continued to preside for more than a year before removing himself.
- Clifford remained on the board of the Lamar National Bank after he became a judge. Clifford told the commission he was aware that the Texas judicial code prevented him from serving, but he did so anyway because he wanted to preserve his family's "substantial investment." Clifford and his family have an ownership interest in the bank worth more than \$10 million.

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• Clifford learned from a defendant's relatives that the defendant had violated his probation by failing a drug test, and contacted the probation department to learn why no action had been taken. Clifford refused to accept a plea deal, held a hearing, and sentenced the defendant to 90 days in jail. He later recused himself. Clifford told the commission that Paris is a small town, and it would soon become public knowledge that the probationer was continuing to use drugs. Failing to take action would reflect poorly on the court system, Clifford said.

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