

From: **lynn Larowe** lynnlaro@yahoo.com  
Subject: Clifford story March 25  
Date: March 25, 2016 at 11:35 AM  
To: George Haslam haslamlaw@att.net



TEXAS | 6TH DISTRICT COURT

# Clifford may get disability pay from the state

## Judge who just resigned after being reprimanded could still receive \$70,000 indefinitely

BY LYNN LAROWE  
TEXARKANA GAZETTE



CLIFFOR  
D

Sixth District Judge Eric Clifford may have resigned Wednesday from the bench that serves Lamar and Red River counties, but he could continue to receive monthly checks from the state of Texas indefinitely.

“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.

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 hand - BOOK FOR JUDGES concerning their retire - ment 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 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.”

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.

Clifford has come under fire since the Texas Commission on

Clifford has come under fire since the Texas Commission on Judicial Conduct issued a nine-page public reprimand in September for a wide range of misconduct. The commission found Clifford used his title as judge to promote a private business, 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.

The September reprimand isn’t the first time Clifford has seen trouble while in office. While serving as mayor of Paris, Texas, Clifford was arrested for soliciting a prostitute in Austin. He offered an undercover deputy with the Travis County Sheriff’s Office \$150 in exchange for sex. Clifford served a six-month term of probation as part of a plea bargain.

Clifford has refused to respond to requests for comment from the Gazette since the September reprimand and could not be reached Wednesday.

Because the reprimand was issued publicly, the complaints leading to it, supporting documents and an audio recording of Clifford’s sworn testimony given before the commission Aug. 14 are public records as well. During the Aug. 14 hearing, Clifford made disparaging remarks about Lamar County’s district attorney and area defense attorneys. Several of the lawyers mentioned by Clifford in his testimony said in previous interviews that Clifford committed perjury.

In response to the public release of Clifford's testimony, the 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 mean other judges have had to step in and assume the cases Clifford's comments made him ineligible to hear.

"He receives a public reprimand and then he is rewarded with lifetime disability payments," said Mount Pleasant lawyer Mark Leshner, who has filed numerous motions asking for Clifford's recusal. "This is the most ridiculous thing that could happen."

Paris lawyer Don Haslam, who filed several of the complaints addressed in the September reprimand, filed a new complaint in November after the embattled former judge's testimony became public.

Haslam is asking the commission to investigate Clifford for lying under oath. That complaint is still pending, Haslam said.

"Eric Clifford's resignation is a positive first step towards restoring the dignity to the 6th District Court he so eagerly ignored," Haslam said. "It will take an experienced, steady hand who is free of any suspicion of Clifford's routine bias from the bench. I look forward to supporting Gary Waite's election in November."

Clifford, who began serving his first term Jan. 1, 2009, withdrew his name as a candidate for re-election in the 2016 Republican primary at the last minute in December. Texas Gov. Greg Abbott will be tasked with appointing a replacement to serve until Jan. 1, 2017, when the newly elected judge will be sworn in and take

office.

Paris, Texas, lawyer Wes Tidwell won the Republican primary for the 6th District bench March 1. He faces Democratic candidate Gary Waite, a Paris lawyer, in November's general election.

[llarowe@texarkanagazette.com](mailto:llarowe@texarkanagazette.com)