



COUNTY AUDITOR
Fort Bend County, Texas

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Robert Ed Sturdivant
County Auditor

OPINION COMMITTEE

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April 25, 2013

The Honorable Greg Abbott
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

Dear Honorable Greg Abbott,

I am writing to request an Attorney General Opinion on the following issue that affects one of the local Fort Bend County Judges. The State Commission on Judicial Conduct mission statement, "The mission of the SCJC is to protect the public, promote public confidence in the integrity, independence, competence, and impartiality of the judiciary and encourage judges to maintain high standards of conduct both on and off the bench." I believe this request falls squarely within that mission because an allegation of conflict of interest may impede the public's perception of integrity and impartiality of a local judge.

My request is analogous to the situation in the Dan Morales Attorney General Letter Opinion No. 93-8, wherein he was asked, "Whether there would be any illegality involved in a married couple's concurrent service in office as County Commissioner and County Auditor in Austin County."

My question centers on, "Whether or not there exists any illegality involved in a married couple's concurrent service in office as Justice of the Peace and County Clerk in Fort Bend County."

The current Fort Bend County Clerk is retiring. She has stated to the current Justice of the Peace, Pct. 4 that, should Judge Richard be re-elected as Justice of the Peace Pct. 4, and should his wife, Laura Richard (she is running for County Clerk), be elected as the next County Clerk, there would be a conflict of interest.

Asking the Attorney General whether there is any illegality or conflict of interest would settle the question and if there is no conflict of interest – that determination would "promote public confidence in the integrity, independence, competence and impartiality of the judiciary." Moreover, the Dan Morales Attorney General Letter Opinion No. 93-8 is a very similar set of facts.

Thank you for your consideration and your time.

Sincerely,

Robert Ed Sturdivant