

JUSTICE ★ JIM

MOSELEY

FOR TEXAS SUPREME COURT, PLACE 3

Statement by Justice Jim Moseley Regarding Liberty Institute/Freemarket Foundation Voters' Guide

As a conservative, I believe that judges should apply the law as it is written, not legislate from the bench. I've followed this belief and applied these principles throughout my thirteen years as a justice on the Court of Appeals.

The Texas Code of Judicial Conduct establishes basic standards for ethical conduct of judges. It does not grant rights to individuals or groups. It requires judges and their staffs to treat people with courtesy, dignity, and respect.

One part of the Code prohibits judges (and their staffs) from using words that manifest bias or prejudice *"based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status..."* Another part requires judges to make sure lawyers in court observe that same requirement.

Those provisions have been in the Code for some time. In my opinion they are unremarkable. Parties, jurors, witnesses, spectators, and attorneys should know that when they come to court they will be not be subject to abusive, demeaning, and disparaging language or comments based on any of the factors mentioned in the Canons. Our system of justice and our respect for the rule of law requires it.

Further, treating people with courtesy and respect is consistent with my philosophy as a conservative and a Republican. Demeaning or insulting someone based on any of the factors mentioned in the Code of Judicial Conduct is antithetical to our respect for individuals and their rights, and undercuts our credibility in the marketplace for ideas.

I've received a few phone calls asking about my answer to a question on the Liberty Institute's (formerly Freemarket Foundation) voters' guide. The question was: *"Should the Code of Judicial Conduct for judges include protection of people on the basis of sexual orientation?"*

My position is clearly stated above. If anyone has any further questions please feel free to e-mail me at JusticeJimMoseley@gmail.com.

A link to the Texas Supreme Court's webpage containing the Code of Judicial Conduct is provided below:

<http://www.courts.state.tx.us/Judethics/canons.asp>