

News from TPJ

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TPJ Asks Court to Jump-Start Cold Case As Abbott Refuses to Collect Ethics Fine From Crony Chief Justice Hecht

AG Lets Pal's \$29,000 Fine Languish Almost Six Years

Austin: Texans for Public Justice (TPJ) today filed a motion in Travis County court to compel the Attorney General—or replacement counsel—to pursue a long-slumbering case involving a \$29,000 ethics fine against Supreme Court Chief Justice Nathan Hecht.

Hecht's troubles date to the short-lived 2005 nomination of his ex-flame Harriet Miers to the U.S. Supreme Court. Hecht's promotion of Miers to conservative groups and the media drew a Texas Commission on Judicial Conduct rebuke for violating state prohibitions on political activism by jurists. Arguing that the First Amendment trumps judicial canons, Hecht attorney Chip Babcock overturned the admonishment in 2006.

Hecht's victory spawned new ethical issues. The Texas Ethics Commission ruled that Babcock's discounted legal fees amounted to an in-kind contribution to Hecht worth \$100,000. Hecht failed to report this contribution, which exceeded judicial campaign limits. Following a rare formal public hearing, commissioners ordered Hecht to pay a \$29,000 fine on December 11, 2008. Justice Hecht appealed to a Travis County court on January 27, 2009 and the Attorney General quickly filed a response on behalf of the Ethics Commission. Since those filings in early 2009, the case has languished. Setting a record for the longest appeal of a state ethics fine, the case runs the risk of being dismissed for lack of prosecution.

"Abbott has a duty to prosecute this cold case and collect from Justice Hecht," said TPJ Director Craig McDonald. "Instead, he has sat on his hands for six years to protect a friend and political crony. Texas law recognizes no crony exception. It's time for Abbott to act—or to find someone who will."

TPJ's motion asks the district court to remove Abbott from the case if necessary and to impose appropriate sanctions for "his extraordinary and egregious pattern of inaction and neglect in apparent deference and favoritism toward his friend and former colleague."

TPJ's filing argues that Abbott's inaction violates provisions of the Texas Rules of Judicial Administration, Texas Disciplinary Rules of Professional Conduct, Texas Lawyers Creed and statutory and constitutional obligations of the Attorney General to promote the timely administration of justice. Abbott's office, which has absolute discretion to aggressively pursue such matters, [claimed](#) in 2013 that plaintiff Hecht alone is responsible for advancing the case. Were this true, any defendant could beat any Ethics Commission rap simply by filing an appeal and then ignoring it.

TPJ is represented by Attorney Joe Crews, Crews Law Firm: (512) 346-7077.

[A copy of TPJ's filing can be found here.](#)

[A timeline of the Abbott/Hecht case is here.](#)

[Ethics Commission 12-11-2009 order against Justice Hecht.](#)