

Bond Case Briefs

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Hensley v. State Commission on Judicial Conduct

Supreme Court of Texas - June 28, 2024 - S.W.3d - 2024 WL 3210043 - 67 Tex. Sup. Ct. J. 1369

Justice of the peace brought suit against State Commission on Judicial Conduct and Commission officials, alleging that Commission's investigation and sanction of her for refusing to perform same-sex weddings was an ultra vires act which violated the Texas Religious Freedom Restoration Act (TRFRA) and the right to freedom of speech under the Texas Constitution.

The 459th District Court, Travis County, granted Commission's and officials' plea to the jurisdiction and dismissed the case. Justice petitioned for review, which was granted, and the Austin Court of Appeals affirmed. The Supreme Court granted justice's petition for review.

The Supreme Court held that:

- Justice of the peace was not required to exhaust her administrative remedies prior to bringing a suit to recover for violations of her rights under TRFRA and the Free Speech Clause;
- Notice sent by justice of the peace to the Commission was sufficient to invoke the TRFRA and its waiver of sovereign immunity;
- Statute providing that Commission was immune from liability did not create immunity from suit;
- Waivers of sovereign immunity found in the Uniform Declaratory Judgment Act (UDJA) and Texas Administrative Procedures Act (APA) did not apply to justice's request for declaratory relief; and
- Justice's allegation that Commission violated the TRFRA was sufficient to state a claim that the Commission engaged in an ultra vires act.