



September 15th, 2026

Chairman Hughes and Members
Senate Committee on State Affairs
Texas Senate

RE: Written Testimony on Protecting the Integrity of the Judiciary

Chairman Hughes and Members of the Committee,

Thank you for the opportunity to provide comments regarding the integrity of judicial education in Texas.

An independent and impartial judiciary is essential to limited government and the rule of law. Texans appearing before a court should be confident that their cases will be decided according to the Constitution, statutes enacted by the Legislature, controlling precedent, and the evidence properly presented by the parties. Judicial outcomes should not be shaped by private advocacy organizations using educational seminars to advance preferred political, social, or policy outcomes outside the adversarial process.

Concerns about outside influence over judicial education therefore deserve serious examination. The answer, however, should not be to empower lawmakers, executive officials, or another government entity to decide which ideas judges may encounter. Such authority could itself become a mechanism for political influence over the judiciary. The more durable safeguard is transparency, neutral standards, disclosure of conflicts, and clear separation between legitimate legal education and outcome-oriented advocacy. Texas judges are required to complete continuing judicial education. Current rules recognize programs sponsored by a wide range of organizations, including judicial associations, law schools, bar associations, legal-professional organizations, and national judicial-education institutions. That diversity can expose judges to developments in the law, specialized subjects, courtroom administration, emerging technology, and differing legal perspectives. It can also create opportunities for private organizations to influence judges through selectively presented information, undisclosed financial support, or seminars designed to promote a particular result in future cases.

Judicial education should improve a judge's understanding of the law. It should not serve as an undisclosed substitute for briefing, evidence, cross-examination, or appellate review. The adversarial process exists for a reason. When a disputed factual or legal proposition is relevant to a case, the parties ordinarily have an opportunity to challenge the evidence, test the source, distinguish precedent, and present competing arguments. A privately funded seminar may offer none of those protections. If a judge receives a one-sided presentation concerning matters likely to appear in litigation, the parties may never know what information was presented, who funded it, or whether the sponsoring organization has an interest in the outcome.

This concern does not depend upon whether the sponsoring organization is considered liberal, conservative, industry-supported, plaintiff-oriented, defense-oriented, or aligned with any other faction. A neutral standard must apply equally. Judicial impartiality is threatened whenever an interested organization attempts to shape future decisions through undisclosed or misleading instruction.

Transparency should begin with the identity of the people and organizations involved. For any program used to satisfy judicial-education requirements, the public should be able to determine the program's title, sponsoring organization, presenters, general subject matter, funding sources, and whether travel, lodging, meals, honoraria, or other benefits were provided to participating judges. When outside entities contribute money or in-kind support, those entities should be disclosed. Course materials should also be available when reasonably possible. The public does not need access to judges' private notes, security information, personal data, or confidential discussions concerning court administration. But agendas, speaker biographies, written presentations, cited studies, and instructional materials used in an accredited program should generally be preserved and made publicly accessible.

Such disclosure would allow litigants, researchers, lawmakers, and the public to evaluate whether a seminar was educational, ideological, or connected to organizations with interests before the courts. It would also protect judges from unsupported accusations by creating an objective record of what a program actually included. The Legislature should avoid attempting to define "bias" by reference to a particular ideology. Nearly every contested legal subject can be described as biased by someone who disagrees with the speaker's conclusions. A statute directing officials to approve only viewpoints favored by the political branches would compromise judicial independence and could change meaning whenever political power changes hands.

Neutral criteria would be more effective. Programs receiving public money or judicial-education credit should clearly distinguish binding law from unsettled law, factual instruction from policy advocacy, and professional education from lobbying. Presenters should disclose relevant financial interests, organizational affiliations, expert-witness activity, and involvement in pending litigation related to the subject being taught.

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Instruction addressing disputed empirical claims should identify the underlying sources and material limitations of the evidence. If a course presents a contested legal or policy issue, it should fairly acknowledge significant contrary authority or competing analysis. This does not require artificial balance in every presentation or equal time for every conceivable opinion. It requires intellectual honesty and enough context to prevent advocacy from being presented as settled law or undisputed fact.

Special care is warranted when an organization sponsors judicial education while litigating, funding litigation, filing amicus briefs, or advocating for statutory changes in the same subject area. Participation should not automatically be prohibited, since experienced litigators and subject-matter organizations can provide valuable expertise. Their interests, however, should be disclosed so judges and the public can evaluate the presentation accordingly.

Judicial education should never become a channel for prohibited ex parte communication. Speakers and participating judges should not discuss the merits of pending or impending cases in a manner that would undermine the rights of parties who are not present. Existing ethical restrictions should be reinforced in course approval standards, and education providers should establish procedures for preventing improper case-specific discussions.

Public funding creates additional responsibilities. Texas already imposes grant conditions on state-supported judicial training, including restrictions on using grant money to influence elections or legislation, as well as monitoring and audit requirements. Those principles should be strengthened to ensure that taxpayer-supported judicial education serves a legitimate instructional purpose rather than subsidizing private advocacy.

Any organization receiving public funds for judicial education should maintain records sufficient to identify expenditures, speakers, course content, outside contributions, and benefits provided to attendees. Those records should be subject to appropriate audit and public disclosure. Failure to disclose material information or repeated presentation of misleading content should jeopardize future eligibility for public funds or education credit.

The process for accrediting judicial education should itself be transparent. Texans should know which entity approved a program, the standards applied, and whether any conflicts were disclosed. Denials and revocations should be based on written, neutral criteria rather than political pressure or disagreement with a speaker's viewpoint. Providers should have notice and an opportunity to respond before losing eligibility.

The Legislature should also respect separation of powers. Courts must remain free to decide cases without retaliation from lawmakers displeased with particular outcomes. Oversight of public spending and statutory education requirements is a legitimate legislative function. Attempting to dictate how judges interpret the law or conditioning education approval on agreement with legislative preferences would cross a different line. Likewise, disclosure requirements should not become a tool for harassing judges because they attended a seminar containing an unpopular speaker or idea. Exposure to a viewpoint does not establish agreement with it. Transparency should permit informed evaluation, not guilt by association.

For the 90th Legislature, we recommend a framework centered on disclosure and neutral administration.

Programs offered for judicial-education credit should disclose their sponsors, significant funding sources, presenters, relevant affiliations, subject matter, and benefits provided to participating judges. Standard course materials should be preserved and made publicly available, subject to narrow protections for confidential, personal, and security-related information. Presenters should disclose material financial interests, litigation involvement, advocacy relationships, and organizational affiliations related to their topics. Courses should distinguish controlling law from advocacy and identify the sources underlying disputed factual claims. Programs supported by public funds should remain subject to meaningful financial and performance audits. Public money should not subsidize lobbying, election activity, or efforts to predetermine the outcome of cases. Accreditation decisions should follow written, viewpoint-neutral standards and provide notice and an opportunity to respond. Enforcement should apply equally regardless of the political or ideological identity of the provider. Finally, the state should create a searchable public record of accredited judicial-education programs, including sponsors, speakers, course descriptions, disclosed funding, materials, and attendance for education-credit purposes. This information should be presented in a form that allows meaningful public oversight without revealing judges' private notes or compromising court security.

Judicial integrity cannot depend on government identifying the "correct" ideology. It depends on judges remaining faithful to the law, parties receiving due process, outside interests being disclosed, and the public being able to evaluate the institutions that educate public officials. The best answer to suspected ideological influence is not ideological control from the opposite direction. It is transparency, neutral rules, enforceable ethical boundaries, and respect for judicial independence.

Thank you for your consideration.

For Liberty, For Texas!

Jeremy D. Kitchen
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