



News Release

For Immediate Release: 12.17.19
Contact: Lacey McNeil, media@firstliberty.org
Direct: 972-941-4453

Texas Justice of the Peace Files Lawsuit After Reprimand for Accommodating Same-Sex Marriages

First Liberty Institute represents Judge Dianne Hensley over the Texas Commission on Judicial Conduct's "Public Warning"

Austin, TX—Today, First Liberty Institute filed a [lawsuit](#) against the Texas State Commission on Judicial Conduct (“Commission”) on behalf of McLennan County (TX) Justice of the Peace Dianne Hensley. The lawsuit alleges that Judge Hensley was wrongly punished for accommodating same-sex marriages and, further, the Commission’s “Public Warning” of Judge Hensley violates the Texas Religious Freedom Restoration Act.

“Because of Judge Hensley, anyone who wants to get married in McLennan County can get married,” said Jeremy Dys, Special Counsel for Litigation and Communications at First Liberty Institute. “For simply trying to reconcile her religious beliefs while meeting the needs of her community—ensuring anyone can get married who wants to be married—the Commission on Judicial Conduct punished her.”

Judge Hensley said, “For providing a solution to meet a need in my community while remaining faithful to my religious beliefs, I received a ‘Public Warning.’ No one should be punished for that.”

Texas law allows judges to officiate weddings but it does not require them to do so. After the Supreme Court’s *Obergefell* decision in 2015, most judges in Waco and McLennan County stopped performing weddings, forcing residents to travel further and incur greater expenses. To ensure those seeking to be married in McLennan County could be, including same-sex couples, Judge Hensley made arrangements with a local private vendor and her staff to facilitate weddings she, for religious reasons or just because of schedule, could not officiate.

Despite Judge Hensley seeking to accommodate all citizens of McLennan County who wish to be married, and despite no complaints filed, the Commission for Judicial Conduct investigated and issued a “Public Warning” against the judge.

In its lawsuit, First Liberty argues, “The Commission violated the Texas Religious Freedom Restoration Act by investigating and punishing Judge Hensley for recusing herself from officiating at same-sex weddings, in accordance with the commands of her Christian faith.” Adding, “By investigating and punishing her for acting in accordance with the commands of her Christian faith, the State of Texas has substantially burdened the free exercise of her religion, with no compelling justification.”

You can read the complaint [here](#).

#

About First Liberty Institute

[First Liberty Institute](#) is the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

To arrange an interview, contact Lacey McNiel at media@firstliberty.org or by calling 972-941-4453.