

Supreme Court of Texas

No. 25-0288

Brian Keith Umphress,
Appellant,

v.

Gary L. Steel, in his official capacity as chair of the State
Commission on Judicial Conduct, et al.,
Appellees

On Certified Question from the United States
Court of Appeals for the Fifth Circuit

PER CURIAM

The Fifth Circuit certified the following question: “Does Canon 4A(1) of the Texas Code of Judicial Conduct [concerning a judge’s extra-judicial activities] prohibit judges from publicly refusing, for moral or religious reasons, to perform same-sex weddings while continuing to perform opposite-sex weddings?” *Umphress v. Hall*, 133 F.4th 455, 471 (5th Cir. 2025). *See* TEX. CONST. art. V, § 3-c; TEX. R. APP. P. 58.1.

We solicited briefing from the parties, and several helpful amici submitted briefs as well. In an order issued on October 24, 2025, we adopted a comment to Canon 4, which clarifies that “[i]t is not a violation

of these canons for a judge to publicly refrain from performing a wedding ceremony based upon a sincerely held religious belief.” Ord. Adopting Comment to Canon 4 of the Tex. Code of Jud. Conduct, Misc. Docket No. 25-9082 (Tex. Oct. 24, 2025). Accordingly, the answer to the certified question is no.

OPINION DELIVERED: January 9, 2025