

# Question

STATE COMMISSION ON JUDICIAL CONDUCT HON. KENNETH NEWELL, DISTRICT JUDGE OF THE 233rd DISTRICT COURT OF TARRANT COUNTY, TEXAS. § § § § JUDICIAL COMPLAINT § § § § TO THE STATE

COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable Kenneth Newell of the 233rd District Court of Tarrant County, Texas, and is filed concurrently with four additional complaints against the Honorables James Munford, Jeffrey Kaitcer, Kate Stone, and David L. Evans. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable Kenneth Newell, which is explained in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary. 1 I.Summary

1.Judge Kenneth Newell's conduct—granting a contested consolidation motion sua sponte, without notice or hearing, in violation of mandatory local rules and after his associate judge Kate Stone denied the Complainant access to the courts—constitutes a willful and egregious violation of multiple judicial canons and due process, warranting investigation by the Texas Commission on Judicial Conduct. This pattern of disregard for procedural fairness and impartiality undermines public confidence in the judiciary and falls within the grounds for disciplinary action under Texas law. 2.This is especially troubling because the actions taken by Judge Newell occurred directly after Honorable Kate Stone refused to hear a properly filed motion in the same court, creating a pattern of judicial abuse. 3.Such conduct, especially when part of a pattern that includes repeated failures to provide hearings and to address timely objections, falls within the grounds for investigation and potential discipline by the Commission on Judicial Conduct under the Texas Constitution and Government Code. The Commission is empowered to investigate judges for willful or persistent violations of rules, incompetence, or conduct that undermines the judiciary, and the facts here strongly support the need for such an investigation to protect the integrity of the Texas judicial system. 2

II.Analysis A.Willful Violation of Clear Legal Mandates 4.Judge Newell's conduct in granting a contested consolidation motion sua sponte, without notice or hearing, and in direct violation of Tarrant County Local Rule 4.01(8)(a), constitutes a willful violation of multiple judicial canons and due process. Canon 1 requires judges to uphold the integrity and independence of the judiciary, while Canon 2A mandates that judges act in a manner that promotes public confidence in the judiciary's integrity and impartiality (Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 (Tex. App. 2000)). By disregarding mandatory local rules and depriving the Complainant of notice and a hearing, Judge Newell failed to comply with these canons.

5.Canon 3B(2) requires judges to be faithful to the law and maintain professional competence. The Texas Supreme Court has made clear that trial courts are required to follow local rules, and a judge has no discretion to ignore or misapply such rules (In re Rose, 144 S.W.3d 661 (Tex. 2004)). The failure to provide notice and an opportunity to be heard on a

contested, potentially case-dispositive motion is a fundamental violation of due process (*In re D.D.*, 661 S.W.3d 608 (Tex. App. 2023)). The appellate court in *D.D.* found that the lack of notice to a party violated due process and voided the resulting orders, directing the trial court to vacate them. This precedent is directly applicable: Judge Newell's 3 actions deprived the Complainant of due process and resulted in an order that is voidable for lack of notice and hearing. 6. Canon 3B(5) requires judges to perform their duties without bias or prejudice. The context here is especially egregious: the associate judge had just denied the Complainant access to the courts on an emergency motion, favoring the opposing counsel who had not substantively participated in the case, and then Judge Newell granted that same attorney's motion without notice or hearing. This sequence of events creates a strong appearance of partiality and undermines public confidence in the judiciary (*Ludlow v. DeBerry*, 959 S.W.2d 265 (Tex. App. 1997)). B. Pattern of Procedural Irregularities and Systemic Abuse 7. The record details a pattern of procedural irregularities, including the refusal to hear an emergency temporary restraining order, the failure to address timely filed objections, and the issuance of a consolidation order immediately after the Complainant sought appellate relief. Such a pattern, especially when it results in the repeated denial of a party's right to be heard, constitutes willful or persistent conduct inconsistent with the proper performance of judicial duties (Tex. Gov't. Code § 33.001; *Thoma, In re*, 873 S.W.2d 477 (Tex. 1994)). 8. Here, the sequence of events—denial of hearings, disregard of objections, and issuance of orders in violation of clear rules—suggests more than mere error; it indicates a persistent disregard for the law and the rights of litigants. The context 4 of the associate judge's refusal to hear the Complainant's emergency motion, followed by Judge Newell's sua sponte grant of the opposing counsel's motion, further supports the conclusion that this is not an isolated incident but part of a systemic abuse of judicial authority. C. Impact on Public Confidence and the Integrity of the Judiciary 9. The Texas Constitution and case law emphasize that judges must conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the judiciary (*Thoma, In re*, 873 S.W.2d 477 (Tex. 1994)). Conduct that casts public discredit upon the judiciary or the administration of justice is grounds for investigation and discipline (Tex. Const. art. 5 § 1-a; *In re Canales*, 113 S.W.3d 56 (Tex. 2003)). The pattern of procedural irregularities and disregard for litigants' rights in this case threatens to undermine public trust in the courts and the rule of law. D. The Commission's Authority and Duty to Investigate 10. The Commission on Judicial Conduct is empowered to investigate any appearance or allegation of judicial misconduct that is not unfounded or frivolous (Tex. Gov't. Code § 33.022). If the preliminary investigation finds merit, a full investigation is required. The Commission's role is not merely punitive but is intended to maintain the honor and dignity of the judiciary and to uphold the 5 administration of justice for the benefit of all citizens (*In re Canales*, 113 S.W.3d 56 (Tex. 2003)). 11. In recent disciplinary proceedings, the Texas Supreme Court has affirmed the Commission's authority to issue public warnings, admonishments, and orders for further education or mentoring when a judge's conduct is found unacceptable (*In re Inquiry Concerning Honorable Bonnie Rangel CJC No.*, 677 S.W.3d 918 (Tex. 2023)). The facts in the instant matter, which are substantiated by evidence found on the face of the record, would warrant at least a full investigation and potentially formal

disciplinary action. E. Specific Canons Violated and Egregiousness of Conduct i. Canon 1 - Judge Newell's actions undermined the integrity and independence of the judiciary by disregarding mandatory procedures and due process. ii. Canon 2A - His conduct failed to promote public confidence in the judiciary's integrity and impartiality, especially given the appearance of favoritism toward the opposing counsel. iii. Canon 3B(2) - He failed to be faithful to the law and maintain professional competence by ignoring clear local rules and due process requirements. 6 iv. Canon 3B(4) - The pattern of denying hearings and failing to address objections demonstrates a lack of patience, dignity, and courtesy toward the litigant. v. Canon 3B(5) - The sequence of events creates a strong appearance of bias or prejudice, particularly given the context of the associate judge's prior actions. vi. Canon 3B(8) - If any ex parte communications or improper consideration of the opposing counsel's position occurred, this would further violate the prohibition on ex parte communications, a determination that should be part of the investigation. 12. The egregiousness of Judge Newell's conduct is heightened by the context: the associate judge's refusal to hear the Complainant's emergency motion, the lack of substantive participation by the opposing counsel, and the timing of the consolidation order immediately after the Complainant sought appellate relief. This pattern of conduct suggests systemic abuse of judicial authorities and a willful disregard for the rights of litigants. III. Conclusion 13. Judge Kenneth Newell's conduct raises grave concerns about willful and persistent violations of clear legal mandates, denial of due process, and a pattern of procedural irregularities that undermine the integrity of the judicial process. Under 7 the Texas Constitution and Government Code, such conduct is within the grounds for investigation and potential discipline by the Commission on Judicial Conduct. 14. The Commission has both the authority and the duty to investigate these allegations to protect the rights of litigants and to maintain public confidence in the Texas judiciary. 15. When viewed in totality, the five complaints before this Body highlight that at every turn - the Texas judiciary has failed to uphold the most basic laws, has failed to provide any substantive explanation for violating them, and continues to willfully disregard their duties as elected officials. 16. By addressing these issues here, the Commission can prevent further escalation and further acts of abuse which have statewide importance and directly affect the future of our State. Respectfully submitted, X \_\_\_\_\_ CHARLES DUSTIN MYERS 817-546-3693 CHUCKDUSTIN12@GMAIL.COM 1209 BLAIRWOOD DRIVE FLOWER MOUND, TEXAS 75028 COMPLAINANT DATED: 08/23/2025 \*Upon request from the commission, Complainant will provide all evidence to support the allegations herein. 8 1 STATE COMMISSION ON JUDICIAL CONDUCT HONORABLE DAVID L. EVANS, REGIONAL PRESIDING JUDGE, 8TH ADMINISTRATIVE REGION OF TEXAS. § § § § § JUDICIAL COMPLAINT § § § § § TO THE STATE COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable David L. Evans of the 8th Administrative Judicial Region in Texas, and is filed concurrently with four additional complaints against the Honorables Kenneth Newell, Jeffrey Kaitcer, Kate Stone, and James Munford. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable David L. Evans, which is explained

in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary.

**2 I. Summary**

**1. David L. Evans's conduct as regional presiding judge not only failed to correct but actively compounded procedural violations in the recusal process, creating the appearance of judicial negligence and undermining public confidence in the judiciary.** The unusually high number of recusals in the 8th region further signals systemic issues, warranting a formal investigation for violations of Canons 1, 2A, and 3B(2) of the Texas Code of Judicial Conduct.<sup>1</sup>

**2. The actions of Judge Evans, particularly his approval of a court coordinator's involvement in the recusal process and his handling of motions that were never properly filed, directly contravened mandatory procedural rules and the core principles of judicial impartiality.** As regional presiding judge, Evans was responsible for upholding the integrity of the recusal process, but instead his decisions introduced confusion, delay, and the appearance of bias, all of which are antithetical to the standards set by Texas law and the Code of Judicial Conduct.

**3. The fact that the 8th Administrative Judicial Region, under Evans's leadership, has more than double the number of recusals compared to any other region is a red flag indicating possible systemic dysfunction or a lack of public trust in the region's judiciary.** These circumstances, combined with clear procedural violations, trigger the Texas Commission on Judicial Conduct's duty to <sup>1</sup> <https://www.txcourts.gov/statistics/annual-statistical-reports/2024/> <sup>3</sup> investigate for potential breaches of Canons 1 (integrity and independence), 2A (compliance with law and promotion of public confidence), and 3B(2) (professional competence in the law).

**4. When paired with these five complaints, it's clear that there are underlying issues occurring that warrant immediate investigation by this Body.**

**II. Analysis**

**A. Compounding Procedural Violations and Judicial Negligence**

**5. As regional presiding judge, David L. Evans was responsible for ensuring that recusal procedures were strictly followed in accordance with Rule 18a. Instead, he overruled objections to the involvement of a court coordinator—an individual who serves at the pleasure of the judge facing recusal—in the transmission and management of recusal materials. This is a direct violation of Rule 18a, which assigns these duties to the court clerk, a neutral officer of the court (Tex. R. Civ. P. 18a(e)). The rationale is clear: the clerk is independent, while the coordinator is not, and their involvement creates at least the appearance of impropriety (In re Alpert, 276 S.W.3d 592 (Tex. App. 2008)).**

**6. Evans's order also permitted the denial of a recusal motion that was never actually filed. Rule 18a and its interpreting case law make clear that recusal procedures are only triggered by the filing of a verified motion with the clerk (Tex. R. Civ. P. 18a(a); In re Johnson, No. 14-04-00519-CV (Tex. 2004)). If no motion is filed, there is no basis for the judge to act, and certainly no basis to deny a nonexistent motion. Any such action is not only procedurally improper but void (In re Norman, 191 S.W.3d 858 (Tex. App. 2006); In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025)).**

**7. By failing to correct these errors and instead overruling objections to them, Evans compounded the procedural violations. His actions introduced confusion, delay, and the appearance of bias, all of which are antithetical to the standards set by Texas law and the Code of Judicial Conduct. The Texas Supreme Court has made clear that even the appearance of impropriety or partiality is sufficient to warrant investigation and possible discipline (In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 (Tex. 2023)).**

**B. Systemic**

Issues: The 8th Region's High Recusal Rate 8. The fact that the 8th Administrative Judicial Region, under Evans's leadership, has more than double the number of recusals compared to any other region is a significant indicator of systemic dysfunction or a lack of public trust in the region's judiciary. While the raw number of recusals alone is not proof of misconduct, such a stark disparity strongly suggests that litigants and attorneys perceive a problem with impartiality or procedural fairness in the region. This perception is itself damaging to public confidence and is precisely the type of issue 5 the Commission on Judicial Conduct is empowered to investigate (Tex. Const. art. 5 § 1-a). 9. A high recusal rate, especially when coupled with documented procedural violations, raises the possibility of a broader pattern of judicial negligence or incompetence. The Commission is specifically empowered to investigate not only actual misconduct but also the appearance of misconduct or disability (Tex. Gov't. Code § 33.022). Failure to investigate such matters would itself undermine public confidence in the judiciary and the effectiveness of the Commission as a guardian of judicial integrity. C. Why an Investigation Is Warranted 10. The Texas Constitution and Government Code require the Commission on Judicial Conduct to investigate any credible allegation or appearance of judicial misconduct (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 33.022). The Commission's mandate is not limited to clear-cut cases of corruption or malfeasance; it extends to any conduct that undermines the integrity, impartiality, or proper administration of justice. 11. Here, the involvement of a court coordinator in the recusal process and the denial of motions that were never filed are not trivial or technical errors but go to the heart of judicial impartiality and procedural integrity. The mandatory nature of the rules involved and the clear case law interpreting them leave little room for 6 discretion in this context. The Commission is therefore obligated to conduct a preliminary investigation, and if the allegations are not found to be unfounded or frivolous, to proceed with a full investigation and notify the judge involved (Tex. Gov't. Code § 33.022). III. Canons Violated 12. The conduct described implicates several Canons of the Texas Code of Judicial Conduct: i. Canon 1 - Requires judges to maintain the integrity and independence of the judiciary. By allowing procedural violations and failing to correct them, Evans undermined the integrity of the judicial process (Thoma, *In re*, 873 S.W.2d 477 (Tex. 1994)). ii. Canon 2A - Requires judges to comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Evans's actions, particularly in overruling objections to clear procedural violations, failed to promote public confidence and instead created the appearance of impropriety (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023); *In re K.E.M.*, 89 S.W.3d 814 (Tex. App. 2002)). iii. Canon 3B(2) - Requires judges to maintain professional competence in the law. The failure to follow mandatory procedures for 7 recusal, and to ensure that only properly filed motions are acted upon, demonstrates a lack of professional competence in the law (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023)). 13. These violations are not merely technical; they strike at the core of judicial impartiality and the rule of law. By continuing to allow these issues to compound and remain unexplained would undermine the Commission's fundamental purpose. IV. Conclusion 14. David L. Evans's conduct as regional presiding judge, particularly his approval of a court coordinator's involvement in the recusal

process and his handling of motions that were never properly filed, directly contravened mandatory procedural rules and the core principles of judicial impartiality. The unusually high number of recusals in the 8th region further signals systemic issues, warranting a formal investigation for violations of Canons 1, 2A, and 3B(2) of the Texas Code of Judicial Conduct. The Texas Commission on Judicial Conduct is not only authorized but obligated to investigate these matters to preserve the integrity of the judiciary and maintain public trust. Failure to do so would erode public confidence in the judiciary and the rule of law. 8 15. In totality, these five complaints spell out a systemic issues that has statewide importance. These five judges are well aware of the alleged issues, continue to ignore them, and continue to violate Texas law in the process. If not addressed now, more issues will certainly arise because there is no checks and balances in our system which negatively affects the State as a whole. 16. This commission should choose to act where no other judicial body has, and uphold the Texas laws and procedures that should be afforded to all litigants. Respectfully submitted, X

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MOUND, TEXAS 75028 COMPLAINANT DATED: 08/23/2025 \*Upon request from the commission, Complainant will provide all evidence to support the allegations herein. 1 STATE COMMISSION ON JUDICIAL CONDUCT HONORABLE KATE STONE, ASSOCIATE JUDGE OF THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS. § § § § § JUDICIAL COMPLAINT § § § § § TO THE STATE COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable Kate Stone of the 233rd District Court of Tarrant County, Texas, and is filed concurrently with four additional complaints against the Honorables James Munford, Jeffrey Kaitcer, Kenneth Newell, and David L. Evans. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable Kate Stone, which is explained in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary. 2 I. Summary 1. On March 28, 2025, Judge Kate Stone refused to hear or rule upon a properly filed emergency Temporary Restraining Order (TRO) properly before her. Rather than hearing the issues, she prevented the Complainant from presenting his motion and turned him away from the courtroom without a ruling, which lead to a direct and preventable injury to a child. 2. Judge Kate Stone's refusal to hear or rule on a properly filed emergency Temporary Restraining Order (TRO) involving imminent risk to a child constitutes a failure to perform a ministerial judicial duty under Texas law. This conduct implicates violations of Canons 2A (compliance with law and promotion of public confidence), 3B(2) (maintenance of professional competence), and 3B(8) (prompt, efficient, and fair disposition of judicial matters) of the Texas Code of Judicial Conduct, as well as related constitutional and statutory mandates. 3. The Texas Commission on Judicial Conduct has a mandate to investigate not only individual acts of misconduct but also patterns of behavior that may indicate systemic issues affecting the integrity of the judiciary. See Tex. Gov't Code § 33.001 et seq. The Commission should investigate Judge Stone's conduct as part of its responsibility to uphold the integrity of the Texas judiciary. II. Analysis A.

Ministerial Duty to Hear and Rule on Emergency Motions 3 4. The facts alleged in the complaint—specifically, that Judge Stone refused to hear or rule on a properly filed emergency TRO—constitute a failure to perform a ministerial judicial duty. Texas law is clear that when a motion is properly filed and pending, the judge must consider and rule upon it within a reasonable time (*In re Layton*, 257 S.W.3d 794, 795 (Tex. App. 2008); *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App. 1992)). This is not a matter of judicial discretion; the court has no discretion to refuse to act. 5. By refusing to hear or rule on the emergency TRO, Judge Stone failed to comply with the law, in direct violation of Canon 2A (*In re Canales*, 113 S.W.3d 56 (Tex. 2003); *In re Ginsberg*, 630 S.W.3d 1 (Tex. 2018)). This conduct also demonstrates a lack of professional competence and diligence, violating Canon 3B(2) (*In re Jones*, 55 S.W.3d 243 (Tex. Spec. Ct. Rev. 2000); *In re Bailey*, 692 S.W.3d 900 (Tex. Spec. Ct. Rev. 2022)). Furthermore, the failure to dispose of the matter promptly, efficiently, and fairly is a violation of Canon 3B(8) (*Safety-Kleen Corp. v. Garcia*, 945 S.W.2d 268 (Tex. App. 1997)).

B. Constitutional and Due Process Violations 6. The Texas Constitution and Government Code reinforce these canons by providing that willful or persistent conduct inconsistent with judicial duties, or conduct that casts public discredit upon the judiciary, is grounds for discipline or removal (Tex. Const. art. V, § 1-a(6)(A); Tex. Gov't. Code § 33.001). The refusal to 4 act on an emergency motion affecting child safety, resulting in actual harm, is precisely the type of conduct these provisions are intended to address. 7. Furthermore, the Due Process Clause of the Fourteenth Amendment and Texas law require that parties be afforded a meaningful opportunity to be heard, especially when fundamental rights such as parenting are at stake. The U.S. Supreme Court has recognized the fundamental liberty interest of parents in the care, custody, and control of their children (*Troxel v. Granville*, 530 U.S. 57, 65 (2000)). 8. Texas law echoes this protection, mandating that the best interest of the child is the primary consideration in custody matters (Tex. Fam. Code § 153.002). Judge Stone's refusal to hear the emergency TRO deprived the Complainant of due process and the opportunity to protect his child's welfare. C. Resulting Harm and Public Confidence 9. The court's inaction directly resulted in a preventable injury to the child, as the emergency alleged in the TRO materialized after the judge's refusal to act. This is not a hypothetical or technical violation; it is a dereliction of duty with real and serious consequences. The Texas Family Code, constitutional provisions, and appellate case law all emphasize the importance of judicial responsiveness in matters affecting child safety and fundamental rights. 5 10. Judges are required to act impartially and diligently, and to avoid conduct that undermines public confidence in the judiciary. The Texas Commission on Judicial Conduct is empowered to investigate willful or persistent conduct that is clearly inconsistent with the proper performance of judicial duties or that casts public discredit upon the judiciary (*In re Curnutt*, 692 S.W.3d 917, 920 (Tex. Spec. Ct. Rev. 2024)). Judge Stone's willful refusal to perform a ministerial duty, resulting in actual harm to a child and undermining public trust, constitutes grounds for investigation and potential disciplinary action.

D. Systemic Issues and the Mandate of the Texas Commission on Judicial Conduct 11. The incident described is not isolated but is part of a broader pattern of judicial inaction and unexplained denials in Texas family courts, as documented by advocacy groups and recent appellate cases. The Texas

Commission on Judicial Conduct has a mandate to investigate not only individual acts of misconduct but also patterns of behavior that may indicate systemic issues affecting the integrity of the judiciary (Tex. Gov't Code § 33.001 et seq.). The Commission's role is to uphold the integrity and accountability of the Texas judiciary, and the facts here—especially the direct injury to a child and the erosion of public trust—warrant such scrutiny. 6 III. Conclusion 12. Judge Kate Stone's refusal to hear or rule on a properly filed emergency TRO alleging imminent risk to a child was a clear violation of her ministerial duty under Texas law. This inaction denied the Complainant access to the courts and due process, directly resulting in preventable harm to a child and undermining public confidence in the judiciary. The Texas Commission on Judicial Conduct is not only authorized but obligated to investigate such willful or persistent conduct, both to address the individual incident and to examine potential systemic issues within the judiciary. The facts, law, and evidence strongly support the conclusion that an investigation is warranted to uphold the rule of law and the integrity of the Texas judicial system. 13. Perhaps most disturbing is that after the clear refusal to perform a ministerial act affecting the health and safety of a child, Judge Stone provided no response in the mandamus proceedings that followed, offered no explanation for her inaction, and perhaps most troubling of all – the appellate courts refused to intervene on such a clear abuse of discretion. 14. When combined with the other four complaints before this body and the rapid decline in public confidence in the judiciary – this Commission must uphold its' purpose and investigate these issues to protect our children and the future of Texas. Not doing so would compound the growing issues that remain unexplained. 7 Respectfully submitted, X

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\*Upon request from the commission, Complainant will provide all evidence to support the allegations herein. 1 STATE COMMISSION ON JUDICIAL CONDUCT HONORABLE JAMES MUNFORD, DISTRICT JUDGE OF THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS. § § § § § JUDICIAL COMPLAINT § § § § § TO THE STATE COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable James Munford of the 322nd District Court of Tarrant County, Texas, and is filed concurrently with four additional complaints against the Honorables Kenneth Newell, Jeffrey Kaitcer, Kate Stone, and David L. Evans. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable James Munford, which is explained in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary. 2 I. Summary 1. Judge James B. Munford's conduct in permitting his court coordinator to modify and participate in recusal proceedings, along with a pattern of disregarding due process and statutory requirements in property and custody matters, constitutes serious and credible allegations of judicial misconduct under Texas law. The State Commission on Judicial Conduct (SCJC) is both empowered and obligated to initiate a full investigation into these actions to safeguard the integrity of the judiciary and public confidence in the Texas courts. 2. Judge James B.



Munford's alleged conduct violates multiple canons of the Texas Code of Judicial Conduct, including those requiring compliance with the law, maintenance of professional competence, and the promotion of public confidence in judicial integrity. These violations, especially when part of a pattern, warrant a full investigation by the State Commission on Judicial Conduct to protect the integrity of the judiciary and uphold public trust. 3. The canons most clearly implicated are Canon 1 (upholding judicial integrity), Canon 2A (compliance with the law and promotion of public confidence), and Canon 3B(2) (maintenance of professional competence). The cumulative nature and gravity of these alleged violations go beyond mere legal error, justifying a thorough investigation by the State Commission on Judicial Conduct to ensure accountability and maintain the rule of law. 3 II. Analysis A. Canon 1: Upholding Judicial Integrity and Independence 4. Canon 1 of the Texas Code of Judicial Conduct requires judges to establish, maintain, and enforce high standards of conduct to preserve the integrity and independence of the judiciary. Judges must personally observe these standards at all times (Thoma, *In re*, 873 S.W.2d 477 (Tex. 1994); Code of Judicial Conduct). By permitting unauthorized staff involvement in recusal proceedings and disregarding statutory requirements in property and custody matters, Judge Munford's alleged conduct undermines the integrity and independence of the judiciary, violating this foundational canon. 5. Permitting a court coordinator to modify or handle recusal documents is not a mere technical error; it is a breach of fundamental procedural safeguards designed to ensure fairness and impartiality. Such conduct undermines the appearance of judicial neutrality and can erode public confidence in the judiciary. The Texas Supreme Court has made clear that the appearance of impropriety can be as damaging as actual misconduct (Sears v. Nueces County Sherrieff Olivarez, 28 S.W.3d 611 (Tex. App. 2000)). B. Canon 2A: Compliance with the Law and Promotion of Public Confidence 6. Canon 2A requires judges to comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the 4 judiciary (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023); *In Re James Barr*, 13 S.W.3d 525 (Tex. 1998); *In re Ginsberg*, 630 S.W.3d 1 (Tex. 2018)). Allowing a court coordinator to modify or participate in recusal proceedings is a direct violation of procedural rules, as only the judge named in the motion may refer the matter to the presiding judge (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023)). The Texas Supreme Court has held that even a single instance of such procedural impropriety can constitute a violation of Canon 2A, as it reflects a failure to comply with the law and undermines public confidence in the judiciary. C. Canon 3B(2): Maintenance of Professional Competence 7. Canon 3B(2) requires judges to be faithful to the law and to maintain professional competence in it (*Hagstette v. State Comm'n on Judicial Conduct*, NO. 01-19-00208-CV (Tex. App. Dec 15, 2020); *In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023)). Judge Munford's pattern of disregarding due process and statutory requirements in property and custody matters, as well as permitting unauthorized staff involvement in recusal proceedings, demonstrates a lack of professional competence and faithfulness to the law. D. Canon 2B: Avoiding Impropriety and the Appearance of Impropriety 5 8. Canon 2B prohibits judges from lending the prestige of judicial office to advance the

private interests of others or permitting others to convey the impression that they are in a special position to influence the judge (In Re Lowery, 999 S.W. 2d 639 (Tex. 1998)). Allowing a court coordinator to participate in recusal proceedings could create the appearance that staff have undue influence over judicial decisions, further eroding public confidence. E. Canon 3A(5): Prohibition on Ex Parte Communications 9. Canon 3A(5) prohibits judges from initiating, permitting, or considering ex parte or other private communications concerning the merits of a pending or impending judicial proceeding, except as authorized by law (Thoma, In re, 873 S.W.2d 477 (Tex. 1994)). If the court coordinator's involvement in recusal proceedings included substantive communications outside the presence of the parties, this could also implicate Canon 3A(5). This is an area which should be investigated by this Commission. III. Why These Violations Warrant Investigation 10. The Texas Constitution and Government Code require the SCJC to investigate credible allegations of judicial misconduct, including willful or persistent violations of the law, incompetence, and conduct that discredits the judiciary (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 33.022). The SCJC's role is not to function as an appellate court, but to ensure that judges adhere to the highest 6 standards of conduct and that the public's trust in the judiciary is maintained (In re Rose, 144 S.W.3d 661 (Tex. 2004)). 11. The Texas Supreme Court and Court of Appeals have repeatedly emphasized that the appearance of impropriety can be as damaging as actual misconduct (Sears v. Nueces County Sherrieff Olivarez, 28 S.W.3d 611 (Tex. App. 2000); In Re James Barr, 13 S.W.3d 525 (Tex. 1998)). Judges must act in ways that promote public confidence in the integrity and impartiality of the judiciary. Allowing unauthorized staff involvement in judicial proceedings, especially recusal matters, undermines this confidence and creates the perception of bias or undue influence. 12. Finally, rather than upholding Texas law, the judge named herein continually chooses to avoid the pressing issues, violate Texas law, and as a result is undermining the public confidence in the judiciary. An investigation is warranted to require an explanation rather than continued silence that will only result in further issues damaging to the image of the Texas Judiciary. 13. The Texas Supreme Court has recognized that a pattern of conduct inconsistent with judicial duties, especially when it undermines public confidence in the judiciary, warrants investigation and possible discipline (In re Canales, 113 S.W.3d 56 (Tex. 2003); In re Rose, 144 S.W.3d 661 (Tex. 2004)). The cumulative effect of unauthorized staff involvement, disregard for due process, and entry of 7 orders without proper authority goes beyond isolated error and suggests willful or persistent misconduct, especially when paired with the four concurrent complaints before this Body. IV. Conclusion 14. Judge James B. Munford's conduct implicates several core canons of the Texas Code of Judicial Conduct, including those requiring compliance with the law, maintenance of professional competence, and the promotion of public confidence in the judiciary. The cumulative and serious nature of these violations—especially unauthorized staff involvement in recusal proceedings and disregard for due process in property and custody matters—warrants a full investigation by the State Commission on Judicial Conduct. Such an investigation is essential to uphold the integrity of the judiciary, maintain public trust, and ensure that judicial authority is exercised within the bounds of due process and established legal standards. 15. When viewed in totality, the five complaints before this Body highlight that at every turn -

the Texas judiciary has failed to uphold the most basic laws, has failed to provide any substantive explanation for violating them, and continues to willfully disregard their duties as elected officials. Respectfully submitted, 8 X

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MOUND, TEXAS 75028 COMPLAINANT DATED: 08/23/2025 \*Upon request from the commission, Complainant will provide all evidence to support the allegations herein. 1 STATE COMMISSION ON JUDICIAL CONDUCT HONORABLE JEFF KAITCER, ASSOCIATE JUDGE OF THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS. § § § § JUDICIAL COMPLAINT § § § § TO THE STATE COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable Jeffrey Kaitcer of the 233rd District Court of Tarrant County, Texas, and is filed concurrently with four additional complaints against the Honorables James Munford, Jeffrey Kaitcer, Kenneth Newell, and David L. Evans. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable Jeffrey Kaitcer, which is explained in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary. 2 I. Summary 1. A judge who knowingly signs an order falsely reciting party agreement—especially after compelling a litigant to sign against their will—violates multiple canons of the Texas Code of Judicial Conduct, including the duties to comply with the law, act with integrity, and maintain public confidence in judicial impartiality. Such conduct constitutes willful or persistent misconduct under Texas law and gravely undermines public trust in the judiciary. 2. The Texas Code of Judicial Conduct and related statutes require judges to act lawfully, honestly, and in a manner that upholds the integrity and impartiality of the judiciary. When a judge knowingly signs an order that is not true—such as falsely stating that all parties have agreed when one party has expressly withdrawn consent and was compelled to sign—the judge breaches these ethical and legal duties, potentially subjecting themselves to investigation and discipline by the State Commission on Judicial Conduct. 3. This type of misconduct is not a mere technical error but a willful violation of both statutory authority and ethical canons, as it misrepresents the judicial process and deprives parties of their procedural rights. The public’s confidence in the judiciary depends on the perception and reality of fairness, honesty, and adherence to the law; when a judge acts otherwise, it casts discredit on the entire judicial system and erodes the legitimacy of court orders. 3 II. Analysis A. Statutory and Canonical Violations 4. Section 201.007 of the Texas Family Code is explicit: an associate judge may only render and sign a final order if all parties have agreed in writing, if a party is in default, or if a party has filed an unrevoked waiver of notice or appearance, or if the parties have waived the right to a de novo hearing in writing before the hearing begins. Otherwise, the associate judge’s role is limited to making recommendations to the referring court, which must then adopt the order for it to become effective (Tex. Fam. Code § 201.007). 5. By knowingly signing an order that is not true—specifically, one that recites party agreement when the judge knows a party does not agree and was compelled to sign—the judge violates several canons: i. Canon 2A - The judge fails to comply with the law and does not act

in a manner that promotes public confidence in the integrity and impartiality of the judiciary (*Hensley v. St. Comm'n on Jud. Conduct*, 692 S.W.3d 184 (Tex. 2024); *In re Canales*, 113 S.W.3d 56 (Tex. 2003); *In re K.E.M.*, 89 S.W.3d 814 (Tex. App. 2002)). ii. Canon 3B(2) - The judge is not faithful to the law and is not maintaining professional competence, as the judge is 4 disregarding clear statutory requirements (*Hagstette v. State Comm'n on Judicial Conduct*, NO. 01-19-00208-CV (Tex. App. Dec 15, 2020)). iii. The judge's conduct creates the appearance of impropriety and partiality, as it suggests favoritism or disregard for the rights of one party (*Sears v. Nueces County Sherriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000)). 6. The Texas Supreme Court has repeatedly held that willful or persistent violations of the Code of Judicial Conduct, or conduct that casts public discredit upon the judiciary, are grounds for discipline or removal (*In re Canales*, 113 S.W.3d 56 (Tex. 2003); *In Re James Barr*, 13 S.W.3d 525 (Tex. 1998); *Thoma, In re*, 873 S.W.2d 477 (Tex. 1994)). 7. Yet here, even with multiple mandamus petitions highlighting clear abuses of discretion, no response from the judge, and no input from opposing counsel – these issues continue to be willfully ignored by the judicial bodies put in place to uphold Texas law when others fail to do so. B. Implications for Public Confidence 8. The legitimacy of the judiciary depends on both the reality and the perception of fairness, honesty, and adherence to the law. When a judge knowingly signs an order that is not true, it undermines the public's trust in the judicial 5 process and the integrity of court orders. The Texas Code of Judicial Conduct and the courts have repeatedly emphasized that judges must not only be impartial but must appear impartial, as any conduct that raises doubts about a judge's fairness or integrity can undermine public confidence and the legitimacy of the judicial system (*Sears v. Nueces County Sherriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000); *In re K.E.M.*, 89 S.W.3d 814 (Tex. App. 2002)). C. The Role of the State Commission on Judicial Conduct 9. The State Commission on Judicial Conduct is empowered to investigate allegations of judicial misconduct, including willful or persistent violations of law, incompetence, or conduct that undermines the judiciary (Tex. Gov't. Code § 33.022). The Commission's mandate includes investigating conduct that is inconsistent with the proper performance of judicial duties, including failure to comply with statutory requirements, failure to execute court business in a timely manner, and actions that cast public discredit on the judiciary (*In re Uzomba*, 683 S.W.3d 358 (Tex. 2024); *In re Ginsberg*, 630 S.W.3d 1 (Tex. 2018); *In re Rose*, 144 S.W.3d 661 (Tex. 2004)). 10. Here, willful or persistent violation of statutory requirements under the Texas Family Code, incompetence in performing judicial duties by failing to follow required procedures, and conduct that undermines public confidence in the judiciary by depriving a party of statutory rights and due process have occurred. 6 11. Such conduct falls squarely within the grounds for investigation and potential discipline by the State Commission on Judicial Conduct (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 33.001; *In re Uzomba*, 683 S.W.3d 358 (Tex. 2024); *In re Ginsberg*, 630 S.W.3d 1 (Tex. 2018)). 12. This is not miscommunication. The written order—signed by Judge Kaitcer—contains an objectively false recital of agreement. This alone demonstrates willful misconduct, because the judge's duty was to ensure accuracy of court records, not to manufacture consent that did not exist. III. Conclusion 13. A judge who knowingly signs an order falsely reciting party agreement, especially after compelling a litigant to sign against their will, violates both

statutory authority and multiple canons of the Texas Code of Judicial Conduct. Such conduct is not a mere technical error but a willful breach of judicial duty that undermines the integrity of the judiciary and erodes public confidence in the courts. The State Commission on Judicial Conduct is empowered—and indeed obligated—to investigate such allegations, and, if substantiated, to recommend appropriate discipline or removal to preserve the honor and legitimacy of the Texas judicial system. 14. No opinion or reasoning exists that would explain these actions, and the totality of the record through all five complaints submitted to this Body 7 demonstrate systemic abuse spanning across five judges in multiple courts without any substantive explanation. 15. By choosing to investigate these issues, the Commission can address a rapidly growing problem now that will only continue to grow if left ignored Respectfully submitted,  
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MOUND, TEXAS 75028 COMPLAINANT DATED: 08/23/2025 \*Upon request from the commission, Complainant will provide all evidence to support the allegations herein. How on earth is this possible? Research if this is the biggest failure in Texas history.

## **Answer (Texas)**

### **Short response**

While the five judicial complaints described reveal a deeply troubling pattern of alleged judicial misconduct and systemic failures in the Texas judiciary, there is no legal authority or historical record in the provided materials to definitively declare this the single greatest failure in Texas judicial history. However, the conduct alleged—if substantiated—would represent a significant and possibly unprecedented breakdown in judicial accountability and public trust under Texas law.

### **Summary**

The complaints against Judges Kenneth Newell, David L. Evans, Kate Stone, James Munford, and Jeffrey Kaitcer collectively allege a pattern of willful violations of judicial canons, statutory mandates, and due process, including failures to rule on motions, improper staff involvement in recusal proceedings, and the signing of orders with false recitals. Texas law, including the Constitution and the Code of Judicial Conduct, provides mechanisms for investigating and disciplining such conduct, emphasizing the importance of judicial integrity and public confidence. The cited authorities confirm that persistent or willful violations, especially those that undermine public trust, are grounds for investigation and removal.

Although the complaints describe a scenario that could be considered a major systemic failure—given the number of judges involved, the nature of the alleged violations, and the apparent lack of appellate or administrative intervention—there is no direct precedent or legal authority in the provided sources that labels this as the "biggest failure" in Texas history. Nonetheless,

the situation described is grave and, if proven, would demand urgent and comprehensive action by the State Commission on Judicial Conduct to restore the rule of law and public confidence in the Texas judiciary.

## **Background and Relevant Law**

### **Legislative and Constitutional Framework**

The Texas Constitution establishes clear standards for judicial conduct and accountability. Article 5, Section 1-a authorizes the removal of judges for willful or persistent violations of Supreme Court rules, incompetence, willful violation of the Code of Judicial Conduct, or conduct that is inconsistent with judicial duties or that casts public discredit on the judiciary or the administration of justice, as set out in [Tex. Const. art. 5 § 1-a](#). Article 15, Section 6 further empowers the Texas Supreme Court to remove district judges for incompetence, partiality, oppression, official misconduct, or negligent failure to perform judicial duties, upon presentment by at least ten practicing lawyers, as per [Tex. Const. art. 15 § 6](#).

The Texas Family Code, specifically Section 201.007, limits the authority of associate judges to render and sign final orders only under certain conditions, such as when all parties have agreed in writing, a party is in default, or a party has filed an unrevoked waiver. Orders signed outside these parameters are not valid, and associate judges must otherwise make recommendations to the referring court ([Tex. Fam. Code § 201.007](#)).

### **Case Law**

Texas appellate courts have repeatedly held that judges have a ministerial duty to consider and rule on properly filed motions within a reasonable time, and that failure to do so constitutes a denial of due process and may be remedied by mandamus ([Barnes v. State, 832 S.W.2d 424 \(Tex. App. 1992\)](#); [Safety-Kleen Corp. v. Garcia, 945 S.W.2d 268 \(Tex. App. 1997\)](#)). The Texas Supreme Court has emphasized that persistent or willful violations of the law or the Code of Judicial Conduct, or conduct that casts public discredit on the judiciary, are grounds for discipline or removal ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

Judicial accountability is also closely tied to public perception. The courts have recognized that even the appearance of impropriety or partiality can be as damaging as actual misconduct, and that public confidence in the judiciary is essential to the rule of law ([In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)).

### **Secondary Materials**

Commentary on judicial conduct commissions highlights the particular challenges faced in Texas, where the election of judges may contribute to increased instances of misconduct and complicate the work of oversight bodies. This context underscores the importance of robust mechanisms for judicial accountability in Texas.

# Analysis

## The Alleged Judicial Failures

The five complaints collectively allege a series of grave judicial failures:

- **Failure to Rule on Motions:** Judges allegedly refused to hear or rule on properly filed emergency motions, including those involving child safety, in violation of their ministerial duties. Texas law is clear that judges must rule on such motions within a reasonable time, and failure to do so is not discretionary but a denial of due process ([Barnes v. State, 832 S.W.2d 424 \(Tex. App. 1992\)](#); [Safety-Kleen Corp. v. Garcia, 945 S.W.2d 268 \(Tex. App. 1997\)](#)).
- **Improper Staff Involvement and Recusal Procedures:** Judges allegedly permitted court coordinators—who are not neutral officers—to participate in recusal proceedings, contrary to procedural rules that assign these duties to the court clerk. Such actions undermine the appearance of impartiality and violate the requirement that judges maintain the integrity and independence of the judiciary ([In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)).
- **Signing Orders with False Recitals:** An associate judge is alleged to have knowingly signed an order falsely reciting party agreement, despite knowing that a party had withdrawn consent and was compelled to sign. This is a direct violation of statutory requirements and judicial canons, and constitutes willful misconduct ([Tex. Fam. Code § 201.007](#)).
- **Pattern of Systemic Abuse:** The complaints describe a pattern of procedural irregularities, repeated denial of hearings, disregard for objections, and the issuance of orders in violation of clear rules. When such conduct is persistent and willful, it falls squarely within the grounds for investigation and discipline under the Texas Constitution and the Code of Judicial Conduct ([Tex. Const. art. 5 § 1-a](#); [In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

## The Role and Duty of the State Commission on Judicial Conduct

The State Commission on Judicial Conduct is empowered—and indeed obligated—to investigate credible allegations of judicial misconduct, including willful or persistent violations of law, incompetence, or conduct that undermines the judiciary ([Tex. Const. art. 5 § 1-a](#)). The Commission’s mandate extends to conduct that is inconsistent with the proper performance of judicial duties or that casts public discredit on the judiciary ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

The Commission is not limited to addressing isolated incidents; it must also investigate patterns of behavior that may indicate systemic issues affecting the integrity of the judiciary. The gravity of the allegations in these

complaints—spanning multiple judges, courts, and types of misconduct—would, if substantiated, demand a comprehensive investigation and potentially the most serious disciplinary measures available.

## **Impact on Public Confidence and the Rule of Law**

The Texas Supreme Court and appellate courts have repeatedly recognized that the legitimacy of the judiciary depends on both the reality and the perception of fairness, honesty, and adherence to the law. Conduct that undermines public confidence, whether through actual misconduct or the appearance thereof, is grounds for discipline and removal ([In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)).

The complaints allege not only individual acts of misconduct but a broader pattern of judicial inaction, procedural violations, and lack of accountability, which—if true—would represent a significant threat to the rule of law in Texas. The failure of appellate courts to respond to mandamus petitions, as described, further compounds the perception of a systemic breakdown.

## **Is This the "Biggest Failure" in Texas Judicial History?**

While the provided authorities confirm that the conduct alleged is grave and would, if substantiated, represent a major failure of judicial accountability, there is no legal authority or historical record in the materials provided that definitively labels this as the single greatest failure in Texas judicial history. The Texas judiciary has faced significant scandals and failures in the past, but the sources do not provide a comparative framework or precedent for ranking this situation above all others.

However, the combination of multiple judges allegedly engaging in willful and persistent violations, the apparent lack of appellate or administrative intervention, and the direct harm alleged (including injury to a child and deprivation of due process) would, if proven, constitute a systemic failure of unusual magnitude. The situation described is certainly among the most serious types of judicial breakdowns contemplated by the Texas Constitution and the Code of Judicial Conduct.

## **Exceptions and Caveats**

- **Allegations vs. Findings:** The analysis above is based on the allegations in the complaints. The Commission on Judicial Conduct must conduct a thorough investigation to determine the veracity of these claims before any findings or disciplinary action can be made.
- **No Direct Precedent for "Biggest Failure":** The provided authorities do not offer a direct precedent or legal standard for declaring a particular episode the "biggest failure" in Texas judicial history. The assessment of historical significance is ultimately a matter of interpretation and context.
- **Systemic Issues in Elected Judiciary:** Secondary materials suggest that Texas's system of electing judges may contribute to increased



instances of misconduct and complicate oversight, but this is a broader context rather than a direct legal finding.

## **Conclusion**

The five judicial complaints described allege a pattern of willful and persistent violations of judicial canons, statutory mandates, and due process by multiple judges in Texas, including failures to rule on motions, improper staff involvement in recusal proceedings, and the signing of orders with false recitals. Texas law provides clear mechanisms for investigating and disciplining such conduct, emphasizing the importance of judicial integrity and public confidence. While the situation described is grave and, if substantiated, would represent a significant and possibly unprecedented breakdown in judicial accountability, there is no legal authority in the provided materials to definitively declare it the single greatest failure in Texas judicial history. Nonetheless, the allegations demand urgent and comprehensive action by the State Commission on Judicial Conduct to restore the rule of law and public trust in the Texas judiciary.

## **Legal Authorities**

[In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)

### **Texas Supreme Court**

#### **Extract**

Clearly, our scheme of judicial accountability arises in part from a justifiable concern for the relationship between judicial conduct and public perception. Art. V, 1-a(6)A of the Texas Constitution imposes sanctions for conduct that casts public discredit upon the judiciary or the administration of justice; Canon 2A of the Code of Judicial Conduct requires that a judge act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. While the legal profession has historically been considered a noble one, modern-day portrayals paint a picture of scorn and ridicule. In the courtroom called the media, in the trial by public perception, the image of the judicial system is at an all-time low.

#### **Summary**

The passage emphasizes the importance of judicial accountability and the impact of judicial conduct on public perception. It highlights that the Texas Constitution and the Code of Judicial Conduct impose sanctions for conduct that undermines public confidence in the judiciary. The passage also notes that the image of the judicial system is at an all-time low, suggesting that there are significant concerns about judicial conduct and public perception.

[Barnes v. State, 832 S.W.2d 424 \(Tex. App. 1992\)](#)

## **Texas Court of Appeals**

### **Extract**

When a motion is properly filed and pending before a trial court, the act of giving consideration to and ruling upon that motion is a ministerial act. ... In such circumstances, a trial court must consider and rule upon the motion within what, when all the surrounding circumstances are taken into account, constitutes a reasonable time. ... This rule does not intrude upon the trial court's discretion, because a trial court has no discretion to refuse to act. ... A refusal to rule within a reasonable time would frustrate that process and, moreover, would constitute a denial of due course of law, ... Consequently, mandamus is available to compel a trial court to make a ruling within a reasonable time.

### **Summary**

Texas law mandates that trial courts must rule on properly filed motions within a reasonable time. This is a ministerial duty, meaning the court has no discretion to refuse to act. Failure to do so constitutes a denial of due process, and mandamus can be used to compel the court to act. This legal framework is relevant to the complaints against the judges, as it highlights the procedural failures and potential misconduct in not addressing motions and petitions in a timely manner.

[Safety-Kleen Corp. v. Garcia, 945 S.W.2d 268 \(Tex. App. 1997\)](#)

## **Texas Court of Appeals**

### **Extract**

A trial court is required to consider and rule upon a motion within a reasonable time. ... 'When a motion is properly filed and pending before a trial court, the act of giving consideration to and ruling upon that motion is a ministerial act,' and mandamus may issue to compel the trial judge to act. ... Despite Judge Garcia's misgivings, he is the elected official assigned to hear this cause, and neither the case law previously cited nor the Texas Code of Judicial Conduct give Judge Garcia the discretion to refuse to hear or rule on Safety-Kleen's motion within a reasonable period of time.

### **Summary**

Judges have a ministerial duty to consider and rule on motions within a reasonable time. This duty is not discretionary, and failure to act can be addressed through mandamus. The passage highlights the importance of judicial responsiveness and adherence to procedural rules.

[In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)

## **Texas Supreme Court**

### **Extract**

Rose failed to timely and properly receipt, deposit, and account for monies received by the court, which dereliction of duty involved far more than a thousand instances, occurred over a period covering more than five years, and resulted in litigation and negative media attention concerning Rose's conduct. Each and every such instance constitutes an instance of willful or persistent conduct in violation of the law or the Code of Judicial Conduct, willful or persistent conduct that is clearly inconsistent with the proper performance of his duties, or willful or persistent conduct that casts public discredit on the judiciary or the administration of justice, in violation of the standards set forth in: 1. Article 5, Section 1-a(6)A. of the Texas Constitution; 2. Canon 2A of the Texas Code of Judicial Conduct; [] or 3. Section 33.001(b) of the Texas Government Code.

### **Summary**

Standards violated, which are applicable to any judge in Texas, emphasizing the gravity of the misconduct.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

### **Extract**

without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing; ... An order described by Subsection (a) or that is rendered and signed by an associate judge constitutes an order of the referring court.

### **Summary**

An associate judge in Texas has the authority to render and sign certain types of orders, including final orders agreed to by all parties, final default orders, and temporary orders. However, these powers are subject to specific conditions, such as the requirement for written agreement by all parties or the filing of an unrevoked waiver. The passage also clarifies that orders rendered and signed by an associate judge are considered orders of the referring court. This information is relevant to understanding the procedural context in which the alleged judicial misconduct occurred, as it highlights the statutory requirements that may have been violated.

[Tex. Const. art. 5 § 1-a Tex. Const. art. 5 § 1-a Retirement, Censure, Removal, and Compensation of Justices and Judges; State Commission On Judicial Conduct; Procedure](#)

## **Extract**

Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.

## **Summary**

The Texas Constitution provides mechanisms for the removal or discipline of judges who violate judicial conduct rules, are incompetent, or engage in conduct that discredits the judiciary. This indicates that there are established procedures to address judicial misconduct, which could be relevant to the question of whether the situation described in the complaints represents a significant failure in the Texas judicial system.

[Tex. Const. art. 15 § 6 Tex. Const. art. 15 § 6 Judges of District Court; Removal By Supreme Court](#)

## **Extract**

Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths taken before some judge of a court of record of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

## Summary

The Texas Constitution provides a mechanism for the removal of district court judges who are incompetent, guilty of misconduct, or fail to perform their duties. The Supreme Court of Texas has the original jurisdiction to hear such cases when presented in writing by at least ten practicing lawyers. This process is designed to maintain the integrity of the judiciary and ensure that judges are held accountable for their actions.

[Testing three commonsense intuitions about judicial conduct commissions.](#)

**Stanford Law Review - Stanford Law School - Abel, Jonathan - 2012-04-01**

## Extract

Carol Collins, the Executive Director of Wyoming's Commission on Judicial Conduct and Ethics, said the difference between election and appointment states is 'always one of our topics of conversation when we come back' from national judicial conduct conferences. Collins thinks elections open the door to judges' accepting bribes or granting preferential treatment to campaign donors--election-driven misconduct that would not exist in a state where all judges are appointed. 'We believe that we have less conduct issues than states that have an electoral process--especially I'm looking at Texas,' she said. 'That must be a nightmare to work with that commission down there.'

## Summary

The passage provides insight into the challenges faced by judicial conduct commissions in states like Texas, where judges are elected. It suggests that the electoral process may lead to more instances of misconduct, such as accepting bribes or granting preferential treatment, which could contribute to systemic issues within the judiciary. This context is relevant to understanding the broader challenges faced by the Texas judiciary and its conduct commission.

This memo was compiled by Vincent AI based on vLex materials available as of August 29, 2025. [View full answer on vLex](#)