



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-1480

PUBLIC ADMONITION

**HONORABLE MICHAEL CROUCH
FORMER SHELBY COUNTY JUSTICE OF THE PEACE, PCT. 5
TIMPSON, SHELBY COUNTY, TEXAS**

During its meeting on April 3-5, 2019, the State Commission on Judicial Conduct concluded a review of the current allegations against the Honorable Michael Crouch, former Justice of the Peace, Precinct 5, Timpson, Shelby County, Texas. Judge Crouch was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Michael Crouch was Justice of the Peace for Precinct 5, in Timpson, Shelby County, Texas.
2. In the summer of 2018, Deborah Ann Sanford contacted Judge Crouch's court about a dispute she was having with a local mechanic whom she retained to perform services on her classic Chevrolet Chevelle. At the conclusion of their phone conversation, Judge Crouch informed Sanford that "he knew" the mechanic and that she should "wait" on filing a small claims case until he could go talk to him about their dispute.
3. Sanford claimed that she attempted to follow-up with Judge Crouch approximately ten days later, but that he would not provide her with any additional information and would not accept her pleadings.
4. Commission Staff contacted Sanford to inquire whether Judge Crouch had actually rejected her pleadings. She advised that she had not tried to submit written pleadings, but that she would do so in short order.

5. On August 28, 2018, Sanford submitted her small claims complaint and application for writ of sequestration to Judge Crouch's court for filing along with checks for the applicable filing fees.
6. On September 27, 2018, Sanford notified Staff that Judge Crouch did not deposit her checks or otherwise acknowledge the filing of her pleadings.
7. On September 28, 2018, Staff sent a written request to Judge Crouch for a record of the case file to determine whether he had assigned it a cause number, opened a file, or issued citation to the defendant.
8. On October 3, 2018, Judge Crouch contacted Staff regarding their request for the case file and asked "what did I do wrong?" Staff explained that the Commission requested the records in order to ascertain whether there was any merit to Sanford's allegations that the judge was refusing to accept her pleadings. Judge Crouch confirmed he received Sanford's pleadings and check for the applicable filing fees. He informed Staff that he did not cash the check yet because Sanford "did not provide citation yet." Judge Crouch also informed Staff that he has been very busy, as he had been covering his sister's court, JP1 Melissa Crouch, who is suffering from cancer. Later that day, Judge Crouch faxed over the records he received from Sanford. In his cover letter, the judge stated: "we have not set up a docket # due to missing the citation."
9. On October 9, 2018, Staff contacted Judge Crouch to determine why he would not "set up" Sanford's case file. The judge stated that Sanford needed to "complete additional paperwork" in order for him to issue citation to the defendant.
10. In January 2019, Staff sent a second request for the case file to newly-elected Precinct 5 Justice of the Peace Tracy Broadway to determine the status of the case. According to the records provided by Judge Broadway, Judge Crouch issued citation on October 11, 2018 which was then served on the opposing party the same day. On October 23, 2018, the defendant filed his "Original Answer and Cross Action." Six days later, Judge Crouch issued an "Order Setting Hearing" which set the matter for a final hearing on November 19, 2018. On November 28, 2018, Judge Crouch entered a Final Judgment in favor of the defendant.
11. In his written responses to the Commission, Judge Crouch confirmed that he told Sanford that he knew the opposing party and that he "thought if [he] could contact [the defendant] and get the parties to discuss this matter a law suit may not be necessary."
12. In response to Staff's question as to why he did not assign a cause number to Sanford's small claims petition or issue a citation, the judge responded that the "question is some what confusing" and asserted that his office "did give the petition and the citation a cause number."

RELEVANT STANDARD

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law..."
2. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others..."
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge should be faithful to the law and maintain professional competence in it."

4. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”
5. Rule 501.1(a) of the Texas Rules of Civil Procedure provide, in pertinent part: “When a petition is filed with a justice court to initiate a suit, the clerk must promptly issue citation and deliver the citation as directed by the plaintiff.”


CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Crouch failed to follow the law and maintain competence in the law when he failed to timely issue citation upon receiving Sanford’s small claims complaint along with checks for the applicable filing fees pursuant to Rule 501.1 of the Texas Rules of Civil Procedure. By not timely issuing citation, Judge Crouch failed to provide Sanford with an opportunity to be heard regarding the ongoing dispute with her mechanic. Furthermore, by telling Sanford that she should “wait” to file her complaint until he had an opportunity to discuss the case with the mechanic, Judge Crouch allowed his relationship to influence judicial conduct or judgment. The Commission concludes that Judge Crouch’s conduct, described above, constitutes a willful violation of Canons 2A, 2B, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 2B, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Michael Crouch, Former Justice of the Peace, Precinct 5, Timpson, Shelby County, Texas, pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution.

The Commission has taken this action in a continuing effort to protect the public confidence in the judicial system and to assist the state’s judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 8 day of August, 2019.



Honorable Catherine N. Wylie, Chair
State Commission on Judicial Conduct