



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 18-0682**

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**PUBLIC WARNING**

**HONORABLE MICHAEL MCSPADDEN  
209<sup>TH</sup> DISTRICT COURT  
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on December 5-7, 2018, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Michael McSpadden, 209th District Court, in Houston, Harris County, Texas. Judge McSpadden was advised by letter of the Commission's concerns and provided a written response. On April 1, 2019, Judge McSpadden was offered the opportunity to either accept a tentative sanction in lieu of an appearance or appear before the Commission for an informal hearing. Judge McSpadden failed to respond to the Commission's invitation and chose not to appear. After considering the evidence before it, the Commission enters the following findings and conclusions:

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Michael McSpadden was Judge of the 209th District Court, in Houston, Harris County, Texas.
2. On February 24, 2018, Reporter Gabrielle Banks wrote an article in the HOUSTON CHRONICLE, entitled *Harris County Judges Told Hearing Magistrates to Deny No-Cost Bail*.
3. In the article, Judge McSpadden shared his concern that defendants would commit subsequent offenses if they were released on bond. He also stated "the young black men – and it's primarily young black men rather than young black women – charged with felony offenses, they're not getting good advice from their parents."

4. In his sworn responses to the Commission's letter of inquiry, Judge McSpadden stated he sees "far too many people of color, and especially large numbers of black men coming through our court system."
5. Judge McSpadden told Gabrielle Banks of the Houston Chronicle, "Who do they get advice from? Rag-tag organizations like Black Lives Matter, which tell you, 'Resist police,' which is the worst thing in the world you could tell a young black man...they teach contempt for the police, for the whole justice system."
6. Judge McSpadden confirmed to the Commission that he made these statements to Gabrielle Banks and added, "black lives absolutely matter. This is why the incendiary advice I see from Black Lives Matter can be counterproductive to some of the young men who find themselves dealing with the criminal justice system."
7. After the HOUSTON CHRONICLE published the article, Judge McSpadden wrote a letter to the editor on March 1, 2018. He stated that during the 36 years he has been on the bench, the attitudes of the defendants of all races have changed. Judge McSpadden wrote, "most no longer have any respect for the rule of law. I added, in the case of young black defendants who are disproportionately represented in our system, they are not receiving good advice from their parents as did my generation, to cooperate with law enforcement at all times, and respect the laws."
8. Judge McSpadden repeated his claim that these defendants "are advised by ragtag groups like Black Lives Matter to have utter contempt for our judicial system." He also wrote, "I think 'ragtag' was too nice a term to describe a group which was built on the Ferguson, Mo., lie of 'Hands up. Don't shoot.' Also encouraging everyone to 'resist police,' and insulting them with remarks like 'pigs in a blanket,' among others."
9. In his responses to the Commission's letter of inquiry, Judge McSpadden pointed out that racial disparity in the criminal justice system is a "serious issue" and people should feel comfortable discussing and debating the problem to help find a solution. He clarified that "calling someone a racist" does not help solve the problem of too many young black men in the system.

#### **RELEVANT STANDARDS**

1. Canon 4A(1) of the Texas Code of Judicial Conduct states: "A judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge."
2. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined for "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."

#### **CONCLUSION**

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Michael

McSpadden, former judge of the 209th District Court, Houston, Harris County, Texas, should be publicly warned for casting public discredit upon the judiciary and administration of justice, and for violating Canon 4A(1) of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 12<sup>th</sup> day of November, 2019.



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David Hall  
Chairman, State Commission on Judicial Conduct