



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 19-1387

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE SARA JANE DEL CARMEN
MUNICIPAL COURT
COLLEYVILLE AND KELLER, TARRANT COUNTY, TEXAS**

During its regularly scheduled meeting on February 5-7, 2020, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Sara Jane Del Carmen, Municipal Judge, Colleyville and Keller, Tarrant County, Texas. Judge Del Carmen was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission enters the following findings and conclusions:

FINDINGS OF FACT

1. At all relevant times, the Honorable Sara Jane Del Carmen was Judge of the Municipal Court for the cities of Colleyville and Keller, Tarrant County, Texas.
2. On February 4, 2017, Matthew Stumm ("Stumm") received a citation for illegally parking in a handicap zone. Stumm he has been confined to a wheelchair since 1996.
3. After failing to resolve the matter at the Keller Police Department, Stumm went to the Colleyville Municipal Court where he was instructed to return another day to speak to a prosecutor. He appeared as instructed only to be told that the prosecutor had already left. On instruction from the Court Administrator, on March 1, 2017, Stumm signed a promise to appear before the court on April 13, 2017.
4. On April 13, 2017, Stumm failed to appear and heard nothing further from the court.

5. On March 4, 2019, the court erroneously sent a notice of hearing to Stumm at the address that appears on the original citation rather than the address that appears on his driver's license.¹ The hearing was set for April 4, 2019.
6. On April 4, 2019, Stumm failed to appear and a warrant was issued for his arrest.
7. On April 9, 2019, Stumm received notice of an outstanding fine, immediately contacted the court and was advised that he could post a bond. However, when he attempted to post the bond, Stumm was again advised to return on April 18, 2019 to speak to the prosecutor.
8. On April 18, 2019, the prosecutor dismissed the illegal parking charge, Stumm pled no contest to the failure to appear and was assessed a fine of \$279.00.
9. Stumm later recounted the situation to an attorney who works in his office, who suggested he rescind his plea of no contest, and offered to assist him in the matter.
10. When the attorney contacted the court on Stumm's behalf, the court staff requested the attorney remit written notice of representation and a copy of the attorney's bar card. The attorney sent a confirming email confirming that she represented Stumm and included a copy of her bar card.
11. However, the court's staff advised that the court could not provide copies of the case file until a formal letter of representation was provided. The attorney responded asking what was unclear about the email she had sent. The attorney never received the documents she requested.
12. Judge Del Carmen prepared a document titled, "Interoffice Memorandum" marked "Confidential Work Product – Judicial Notes on Open Case" which contained the specific directions, "Release allowed to Police Chief Wilson Keller Police Department or his Representative.
13. The judge's memorandum recites her version of the case events and also confirms the court received inquiries from "an attorney, an Associate Judge in the city of Plano, who does not represent [Complainant], requesting information about his case." The judge continued, "legally and ethically, the Court cannot give out case information to someone simply because he/she is an attorney/associate judge."
14. At the conclusion of the memorandum, the judge included a section she referred to as "threats" made by Complainant, in which she stated that he was threatening litigation against the police, court, and city for violation of his civil rights as a handicapped person and threatened to "make disparaging statements to the media..."
15. In her responses to the Commission's questions, Judge Del Carmen stated that court policy, procedures, and rules require a formal letter of representation, preferably on letterhead, by fax, mail, or electronic mail (under specified circumstances), or in person, along with a copy of the attorney's bar card.
16. The judge said that security and identity measures protect defendants from "imposter representation and the unauthorized practice of law.
17. Judge Del Carmen confirmed that court records are "essentially public" and available for inspection by the public, but she also explained that she "cannot allow the release of information simply because someone makes an unverified claim that he/she is an attorney or associate judge.

¹ In the City of Keller some streets (including Complainant's) share the same name with different street suffixes.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in part, "A judge shall comply with the law..."
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides that a judge should be faithful to the law and "shall maintain professional competence in it."
3. Canon 3B(5) of the Texas Code of Judicial Conduct provides, "a judge shall perform judicial duties without bias or prejudice."
4. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in pertinent part, that 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. Canon 6C(2) of the Texas Code of Judicial Conduct provides in part, "...a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding."

CONCLUSION

Based upon the record before it and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Sara Jane Del Carmen, Municipal Judge for the of Keller and Colleyville, Tarrant County, Texas should be publicly admonished and ordered to obtain additional education for failing to recognize the defendant's counsel, depriving the defendant of the right to be heard, demonstrating a bias in favor of law enforcement, engaging in *ex parte* communications when she drafted the "Interoffice Memorandum" concerning the defendant's case and made same available to the Police chief, and refusing access to public court records, in of Canons 2A, 3B(2), 3B(5) and 3B(8) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Del Carmen must obtain **four hours** of instruction, in addition to her required judicial education for Fiscal Year 2020. In particular, the Commission desires that Judge Del Carmen receive **three hours** of this additional education in the areas of judicial administration and the responsibility for educating court staff and **one hour** of instruction, in the area of compliance with the objectives of the Americans with Disabilities Act.

Judge Del Carmen shall complete the additional **four hours** of instruction recited within **sixty days** from the date of the Commission's final order. It is Judge Del Carmen's responsibility to schedule the additional education.

The Commission has taken this action pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 12th day of August, 2020.



Honorable David C. Hall
Chairman, State Commission on Judicial Conduct