



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 14-1080-DI & 15-0002-DI

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE CARTER TINSLEY SCHILDKNECHT
106TH DISTRICT COURT JUDGE
LAMESA, DAWSON COUNTY, TEXAS**

During its meeting on April 8-9, 2015, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Carter Tinsley Schildknecht, Judge of the 106th District Court in Lamesa, Dawson County, Texas. Judge Schildknecht was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Carter Tinsley Schildknecht was Judge of the 106th District Court in Lamesa, Dawson County, Texas.¹

The "New York Jew" Comment

2. In July 2014, Judge Schildknecht referred to District Attorney Michael Munk as a "New York Jew" during a private conversation with Munk's secretary in the judge's office.

¹ The 106th Judicial District Court serves Garza, Lynn, Gaines and Dawson Counties.

3. On July 25, 2014, after jury selection in a criminal case, Judge Schildknecht met in chambers with Munk and the defense attorney to try to explain why she had previously referred to Munk as a “New York Jew.”
4. In that conversation, Judge Schildknecht stated:

“When I tell people why you [Munk] are different and have different thoughts, I explain because you are from New York and because you are Jewish.”
5. In her written responses to the Commission’s inquiry, Judge Schildknecht admitted that she made these statements, but contended that the statements were not made with bias or prejudice, or to disparage Munk; rather, the statements were an attempt by the judge to explain that Munk’s “background is that from a culture of a New York Jew,” and that his approach and perspective “may be different from that of someone who has been reared in West Texas. To understand that leads to acceptance of the differences.”
6. With regard to her factual statements that Munk was from New York and was a Jew, Judge Schildknecht added that “I may be too blunt, but I am not biased or prejudiced against New Yorkers or Jews.”

The 4 a.m. “Marathon” Court Session

7. On July 2, 2014, starting at 1:00 p.m., Judge Schildknecht began hearing numerous probation revocation cases.
8. The court session did not end until 4:00 a.m. on July 3, 2014.
9. During this time, the judge did not provide any formal breaks in which litigants, attorneys, witnesses or other court personnel could eat meals or use the restroom facilities.
10. In her written responses to the Commission’s inquiry, Judge Schildknecht acknowledged holding court from 1:00 p.m. on July 2nd until 4:00 a.m. on July 3rd without providing formal breaks, but explained that this “marathon” session was necessary to prevent jail overcrowding.
11. Judge Schildknecht further explained that, in her opinion, there had been enough “downtime” during the proceedings that any person could have eaten or used the restroom and returned in time to conduct court business.
12. At least one defendant, whose case was the final matter heard in the early morning of July 3rd, appealed her conviction stating, “fair consideration could not have possibly been given at 4 a.m. after a 19 hour day.”

The D.A.’s Expulsion from Courtroom

13. On the afternoon of July 15, 2014, when District Attorney Munk attempted to enter the judge’s courtroom, Judge Schildknecht instructed her bailiff to refuse entry to Munk with words to the effect of “Get him out of here” or “I don’t want to see his face.”
14. In her written responses to the Commission’s inquiry, Judge Schildknecht acknowledged that she made the statement and expressed regret for acting “in haste.”

15. Judge Schildknecht explained that she did not see any reason for Munk to be in her courtroom after “the business of the court had concluded” for that day and so she instructed her bailiff to remove him.

The “Muslim” Beard Comments

16. On September 30, 2014, at the conclusion of a criminal docket in her courtroom, Judge Schildknecht criticized an Assistant District Attorney about his beard by stating, “You look like a Muslim, and I wouldn’t hire you with it,” or words to that effect.
17. In her written response to the Commission’s inquiry, Judge Schildknecht could not recall whether she made the statement regarding the prosecutor’s beard, but commented that the situation “seemed faintly familiar.”
18. Judge Schildknecht added that she would not have made such a comment while actively conducting court business, surmising that the conversation must have taken place during “down time.”
19. The judge further explained that she did not know “that there is a specific look of a Muslim” and did not recall any particular look that is common to Muslims she had seen on television.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in pertinent part: “A judge should be faithful to the law and shall maintain professional competence in it.”
3. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in pertinent part: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, ...”
4. Canon 3B(6) of the Texas Code of Judicial Conduct provides, in pertinent part: “A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin ...”

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Schildknecht failed to comply with the law and demonstrated a lack of professional competence in the law by expelling District Attorney Munk from her courtroom in violation of the “Open Courts” doctrine. The Commission further concludes that Judge Schildknecht failed to treat litigants, attorneys and others with patience, dignity and courtesy, when she expelled District Attorney Munk from her courtroom and when she held a “marathon” court session lasting until 4 a.m. the following morning without allowing formal breaks. The Commission also concludes that Judge Schildknecht manifested a

religious and/or cultural bias by describing District Attorney Munk as a “New York Jew” and by criticizing a prosecutor’s beard because it made him look like a “Muslim.” The Commission concludes that Judge Schildknecht’s conduct, as described above, constituted willful and/or persistent violations of Canons 2A, 3B(2), 3B(4) and 3B(6) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), 3B(4) and 3B(6) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Carter Tinsley Schildknecht, Judge of the 106th District Court, Lamesa, Dawson County, Texas.

Pursuant to this Order, Judge Schildknecht must obtain **four (4) hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2015. In particular, the commission desires that Judge Schildknecht receive this additional education in the following areas: (1) the “Open Courts” doctrine and (2) recognizing and eliminating explicit and implicit bias and/or prejudice.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Center for the Judiciary to the extent necessary to enable that entity to assign the appropriate mentor for Judge Schildknecht in this case.

Judge Schildknecht shall complete the additional **four (4) hours** of instruction recited within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Schildknecht’s responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of education described herein, Judge Schildknecht shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

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 11th day of May, 2015.

ORIGINAL SIGNED BY

Hon. Steven L. Seider, Chair
State Commission on Judicial Conduct