

Opinion Issued April 26, 2023



DOCKET NO. SCR 22-0003

SPECIAL COURT OF REVIEW

**IN RE INQUIRY CONCERNING HONORABLE JUSTIN LOW
CJC NO. 21-1145**

OPINION

JUSTICE HOYLE delivered the opinion, in which Justice Neeley joined.

The Chief Justice of the Texas Supreme Court convened this Special Court of Review¹ to conduct a trial de novo of the State Commission on Judicial Conduct’s Public Admonition and Order of Additional Education issued to Respondent, the Honorable Justin Low, Judge of 161st Judicial District Court, in Ector County, Texas. For the reasons set forth below, we conclude that the Commission did not meet its burden of proving that Judge Low willfully violated either Canon 3B(4) or Canon 3B(6) of the Texas Code of Judicial Conduct or Article V, Section 1-a(6)(A) of the Texas Constitution.

¹ The Panel for the Special Court of Review was chosen “by lot” and appointed by the Chief Justice of the Texas Supreme Court. *See* TEX. GOV’T CODE ANN. § 33.034 (West 2023) (providing procedure for appealing sanctions issued by the State Commission on Judicial Conduct). This panel consists of Justice Brian Hoyle of the Twelfth Court of Appeals, Justice Greg Neeley of the Twelfth Court of Appeals, and Justice Julie Countiss of the First Court of Appeals.

BACKGROUND

The Public Admonition at issue centers on comments that Judge Low made while presiding over prequalification proceedings for potential jurors for jury duty on May 7, 2021. According to the complainant, who served as a potential juror on May 7, Judge Low criticized some of the statutory qualification questions. The complainant alleged Judge Low called the questions “stupid,” and stated, “I don’t know why I have to ask this.” Additionally, Judge Low reportedly referred to Covid-19 as the “China virus,” and proceeded to say, “Yeah, I said it!” and “the attorneys would be upset I said that.” When some of the potential jurors allegedly whooped and clapped in response, Judge Low reportedly demonstrated his approval and encouraged their behavior by laughing and nodding.

The confidential complainant claimed she is Asian-American and that Judge Low’s comments and behavior made her feel unsafe and uncomfortable in the courtroom. She also cited to the recent rise in hate-crimes against Asian-Americans.

After receiving the complaint, the Commission opened an investigation against Judge Low. In accordance with the procedures set out in Section 33.022 of the Texas Government Code, the Commission advised Judge Low by letter of its concerns about his comments, and he provided a written response.² Judge Low subsequently made an informal appearance before the Commission to explain the reasons behind his May 7 comments. After considering the evidence, the Commission issued a Public Admonition and Order of Additional Education finding that Judge Low’s demeanor during jury selection was “unprofessional.” The Commission found that by making the comments, Judge Low violated Canon 3B(6) of the Texas Code of Judicial Conduct

² See TEX. GOV’T CODE ANN. § 33.022 (West 2023) (setting forth procedures for investigating complaints made against judges).

because he demonstrated bias and prejudice against potential jurors through his words or actions. The Commission further found that Judge Low cast “public discredit on the judiciary” in violation of Article V, Section 1-a(6) of the Texas Constitution. The Commission ordered Judge Low to obtain an additional hour of education regarding courtroom demeanor.

Invoking his right of review of the Commission’s public admonition and order of additional education, Judge Low requested the appointment of a Special Court of Review to hear and determine this matter.³ The Chief Justice of the Texas Supreme Court appointed this Special Court of Review, and the Commission filed its charging document. After granting two continuances, this Special Court of Review convened and held a trial de novo on January 12, 2023.⁴

At the trial de novo, the Commission and Judge Low were both represented by counsel. Prior to trial, the Commission filed its trial exhibits, to which Judge Low filed objections. We accepted all exhibits at the time of trial. Judge Low was the sole witness to testify and was both cross-examined by the Commission’s counsel and questioned by the panel. Counsel presented closing arguments and answered questions from the panel. After trial, counsel submitted further arguments in post-trial briefs. In making our determination, we considered the evidence and counsel’s arguments.⁵

RELEVANT STANDARDS AND BURDEN OF PROOF

³ See *id.* § 33.034(b).

⁴ See *id.* § 33.034(h).

⁵ The Commission’s Exhibit 1, the Final Public Admonition and Order of Additional Education, and Exhibit 2, the complaint in CJC NO. 21-1145, are admitted for jurisdictional purposes but not for the truth of the matter asserted. Exhibit 3, the transcription of the audio recording of Judge Low’s informal appearance before the Commission, is admitted for the limited purpose of impeachment. We do not consider Exhibit 4, a previous private reprimand and order of additional education issued to Judge Low, because we do not reach the issue of punishment.

As to Judge Low’s Exhibit 1, the United States Customs and Border Patrol Protection Notice, and Exhibit 2, Article from *Frontiers in Psychology*, we likewise sustain the Commission’s hearsay objections and do not consider these exhibits for the truth of the matter asserted.

“The function of the State Commission on Judicial Conduct is not to punish; instead, its purpose is to maintain the honor and dignity of the judiciary and to uphold the administration of justice for the benefit of the citizens of Texas.” *In re Lowery*, 999 S.W.2d 639, 648 (Tex. Rev. Trib. 1998, appeal denied). Similarly, the function of a special court of review is not to punish, but to provide guidance to judges and protection to the public. *In re Davis*, 82 S.W.3d 140, 150 (Tex. Spec. Ct. Rev. 2002).

The Texas Constitution provides that after receipt of a written complaint and an investigation, the Commission may, among other things, issue a private or public admonition, warning, reprimand, or requirement that the judge obtain additional training or education. TEX. CONST. art. V, § 1-a(6)(A), 8. Upon receipt of such a sanction, the judge may ask the Chief Justice of the Texas Supreme Court to appoint a Special Court of Review to review the Commission’s sanction. TEX. GOV’T CODE ANN. § 33.034(b); TEX. RULES REM’L/RET. JUDG. R. 9(a).

Review of a sanction issued in an informal proceeding is by trial de novo. TEX. GOV’T CODE ANN. § 33.034(e)(2). After the appointment of a Special Court of Review, the Commission files a charging document containing its allegations of judicial misconduct against the judge. *See* TEX. RULES REM’L/RET. JUDG. R. 9(b) (requiring Commission to file its charging document within 15 days after appointment of the Special Court of Review). The Special Court of Review holds a trial de novo and renders its decision by written opinion. *Id.* § 33.034(h). The procedure employed by the Special Court of Review “is governed to the extent practicable by the rules of law, evidence, and procedure that apply to the trial of civil actions generally.” *Id.* § 33.034(f). “[T]he [C]ommission has the burden of proof and [] the standard is by a preponderance of the evidence, as is applicable to the trial of civil actions generally.” *In re Hecht*, 213 S.W.3d 547, 560 (Tex. Spec. Ct. Rev. 2006). “[T]he [C]ommission must prove each element of a charge by a

preponderance of the evidence.” *Id.* “The Special Court of Review considers the case from the beginning, as though it were standing in the place of the Commission (though the Special Court of Review is made aware of the Commission’s decision).” STATE COMM’N ON JUDICIAL CONDUCT ANN. REP. 17 (2021). A Special Court of Review may dismiss the charges, affirm the Commission’s decision, impose a lesser or greater sanction, or order the Commission to file formal proceedings. TEX. RULES REM’L/RET. JUDG. R. 9(d); *In re Davis*, 82 S.W.3d 140, 143 (Tex. Spec. Ct. Rev. 2002).

APPLICABLE LAW

The Commission’s charging document alleges that Judge Low’s conduct at the May 7, 2021 prequalification violated Article V, Section 1-a(6)(A) of the Texas Constitution as well as Canons 3B(4) and 3B(6) of the Texas Code of Judicial Conduct.⁶

Canon 3B(4) provides, in relevant 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.” TEX. CODE JUD. CONDUCT, CANON 3B(4), *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app. C (West 2019). Canon 3B(6) states, in relevant 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, disability, age, sexual orientation or socioeconomic status.” TEX. CODE JUD. CONDUCT, CANON 3B(6), *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app. C (West 2019).

⁶ In its post-submission brief, the Commission urges that Judge Low also violated Canon 3B(5); however, he was not charged with violating that Canon. Therefore, to the extent the Commission urges us to sanction Judge Low based on a violation of Canon 3B(5), its argument exceeds that of the charging document. We are unaware of any provision that would allow the Commission to add new charges not included in the charging document. *See* TEX. RULES REM’L/RET. JUDG. R. 9(b) (requiring Commission to file its charging document within 15 days after appointment of the Special Court of Review).

The Texas Constitution provides that a judge may be disciplined for a willful violation of the Texas Code of Judicial Conduct, or for willful conduct that is clearly inconsistent with the proper performance of his or her duties or that casts public discredit upon the judiciary or administration of justice. TEX. CONST. art. V, § 1-a(6)(A). For the purposes of Article V, Section 1-a, “willful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties” includes a willful violation of a provision of the Code of Judicial Conduct. TEX. GOV’T CODE ANN. § 33.001(b)(2) (West 2023). Thus, to discipline Judge Low for his comments, the Commission shouldered the burden of establishing by a preponderance of the evidence that his conduct was either a willful violation of Canon 3B(4), Canon 3B(6), or a willful violation of the Texas Constitution, as charged. See *In re Davis*, 82 S.W.3d at 142 (recognizing that Commission had “burden to prove by a preponderance of the evidence that [the respondent judge] willfully committed one of the charged violations”).

In judicial misconduct cases generally, “willful” means “the improper or wrongful use of the power of his office by a judge acting intentionally, or with gross indifference to his conduct.” *In re Barr*, 13 S.W.3d 525, 534 (Tex. Rev. Trib. 1998). A judge acts intentionally “when the act is done with the conscious objective of causing the result or of acting in the manner defined in the pertinent rule of conduct.” *Id.* “Gross indifference is indifference that is flagrant, shameful and beyond all measure and allowance.” *Id.* If a judge intentionally engaged in the conduct that violated a judicial canon, then the violation was willful. *Id.* at 534–35; *In re Ginsberg*, 630 S.W.3d 1, 7 (Tex. Spec. Crt. Rev. 2018). Legal error rises to the level of judicial misconduct when a legal ruling or action is “made contrary to clear and determined law about which there is no confusion or question as to its interpretation.” *Ginsberg*, 630 S.W.3d at 7. The complained-of legal error additionally must be (1) egregious, (2) made as part of a pattern or practice of legal error, or (3)

made in bad faith. *Barr*, 13 S.W.3d at 545 (citing *In re Quirk*, 705 So.2d 172, 177–78 (La. 1997)); *Ginsberg*, 630 S.W.3d at 8.

ANALYSIS

The Commission contends Judge Low failed to treat the potential jurors, especially those of Asian-American descent, with patience, dignity, and courtesy in violation of Canon 3B(4) when he “call[ed] the statutory qualification questions ‘stupid’ and question[ed] his need to ask same, and then refer[ed] to COVID-19 as the ‘China Virus’ and encourage[ed] the whooping and hand clapping from other potential jurors in response.”⁷ The Commission further alleges that Judge Low’s words and conduct manifested bias and prejudice in the performance of his judicial duties in violation of Canon 3B(6). And the Commission contends that Judge Low’s comments constituted willful conduct that is clearly inconsistent with the performance of his duties and cast public discredit upon the judiciary and the administration of the judiciary in violation of Article V, Section 1-a(6) of the Texas Constitution.

As explained below, while we do not condone Judge Low’s actions, we do not find that the comments, when viewed in context, constituted a willful violation of the Canons or the Texas Constitution.

Judge Low testified that he became the judge of the 161st Judicial District in Ector County on January 1, 2021. Although this was his first judicial office, he has been an attorney since 1995 and is board-certified in criminal law. As part of his criminal law practice, Judge Low participated in more than one hundred jury trials and considers himself very experienced, if not “one of the best,” at conducting voir dire. Judge Low testified that he understands his role as a judge presiding

⁷ At the trial de novo, the Commission also argued that Judge Low made comments regarding stimulus checks and President Joe Biden. However, those charges were not included in the charging document.

over voir dire is to be neutral. When asked if he referred to Covid-19 as the “China Virus,” Judge Low stated that he told the potential jurors that they could refer to Covid-19 by that term. However, he admitted that he did use the term. He also admitted that some of the potential jurors responded when he did so, but he was not sure they whooped and clapped.

Judge Low testified to wanting the potential jurors to be honest so that any potential bias would be observable to the attorneys. Judge Low further testified that while he knew the term “China Virus” was potentially racially biased, he was trying to expose those potential jurors who might harbor such a bias. He believed the term exposes political bias and knew it might offend some people. He also admitted referring to Covid-19 as the “China Virus” in his personal life. Judge Low maintained that he would not use the term “China Virus” in front of an Asian American and that he only uses the term in political discourse. But he admitted that Asian Americans could have been present at prequalification on May 7, 2021. He stated that, during prequalification, he did not take a position on whether he referred to Covid-19 as the “China Virus.”

When asked about the rise in hate crimes against Asian Americans, Judge Low testified that there were no such hate crimes in Ector County and that the reports regarding those around the nation were “fake.”⁸ Additionally, when asked if the term “China Virus” is a racist term, Judge Low responded that someone who uses the term *may* be racist but he did not find the term to be racist per se. And the Commission conceded that the term is not de facto a racist term.

When asked if he referred to some of the statutory prequalification questions as “stupid,” Judge Low testified to calling the questions “silly.” He testified that he was specifically referring

⁸ The Commission offered no evidence regarding statistics of hate crimes against the Asian-American community at the trial de novo.

to a question that asks the jurors if they are “presently insane,” and the jurors tend to laugh.

According to Judge Low:

So I just ahead of time say, Some of these questions may sound silly, and I don't know why I have to ask this particular question because if you were insane, would you even know to tell me? ·And then they'll all laugh, and I'll ask them the next question.

He testified that he read all the required questions to the jurors and required the jurors to answer the questions.

Judge Low testified that his courtroom was never out of control, and he never worried about violence in his courtroom as a result of his comments. In support of his assertion that he was trying to encourage the jurors to speak freely, Judge Low testified that he also told the jurors to feel free to speak about immigration, law enforcement, and defunding the police if they had strong feelings about those issues. He testified that while the interaction in question occurred in the central jury room, attorneys are sometimes present for that portion of voir dire. However, he could not affirmatively state that attorneys were present on May 7, 2021. He specifically testified that his “purpose was not to offend based on race. [His] purpose was to get people to talk.” And Judge Low further testified that he does not think “bias or prejudice has any place in [his] courtroom.”

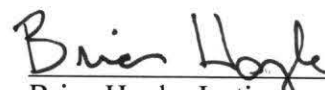
The evidence presented at the trial de novo reflects that Judge Low was attempting to encourage potential jurors to speak freely to reveal any biases to the attorneys who would be conducting voir dire. The evidence does not show that he intended to accept or condone the term “China Virus” while conducting prequalification.

Although we recognize that Judge Low's comments, particularly those directed at the pandemic, are potentially problematic, we do not find that Judge Low spoke with a “conscious objective” of manifesting impatience, discourteousness, bias, or prejudice discouraged by the

Canons or Constitution. See *In re Barr*, 13 S.W.3d at 534.⁹ At best, the comments amount to an “error in judgment” rather than gross indifference, intentionality, or moral turpitude that would rise to the level of a sanctionable Canon 3B(4) or 3B(6) violation. See *In re Slaughter*, 480 S.W.3d at 848 (reciting “more than an error of judgment” standard for willfulness); see also *In re Thoma*, 873 S.W.2d at 489-90 (reciting moral turpitude standard for willfulness); *In re Barr*, 13 S.W.3d at 534 (reciting intentionality or gross indifference standard for willfulness). Thus, we conclude that the Commission did not meet its burden of proving by a preponderance of the evidence that Judge Low willfully violated Canon 3B(4) or 3B(6) of the Code of the Judicial Conduct or the Texas Constitution.

CONCLUSION

We conclude the Commission has failed to meet its burden of proving by a preponderance of the evidence that Judge Low willfully violated the Canons of Judicial Conduct or Article V, Section 1–a(6)(A) of the Texas Constitution. We dismiss the Commission’s Public Reprimand and Order of Additional Education and find Judge Low “not guilty” of all charges. See TEX. RULES REM’L/RET. JUDG. R. 9(d).



Brian Hoyle, Justice

OPINION ISSUED: April 26, 2023

⁹ Because the Commission proceeded with a confidential complaint and did not present testimony from the complainant, in this case the only evidence as to the context of Judge Low’s complained-of statements came through his testimony. Because a transcript of Judge Low’s juror pre-qualification is not before us and may not exist, we do not know the length of time he addressed the panel, the connection of the alleged statements with his other remarks, or the transition of his remarks into other statements made.

Opinion Issued April 26, 2023



DOCKET NO. SCR 22-0003

SPECIAL COURT OF REVIEW

**IN RE INQUIRY CONCERNING HONORABLE JUSTIN LOW
CJC NO. 21-1145**

DISSENTING OPINION

Respondent, the Honorable Justin Low, presiding judge of the 161st District Court of Ector County in Odessa, Texas, told a large group of potential jurors in his courtroom in May of 2021 that they were free to use the term “China Virus” when speaking about the COVID-19 pandemic. And when a number of the potential jurors giggled and a few reportedly whooped and hollered, Judge Low replied, “Yeah, I said that” and “the attorneys would be upset I said that.” Judge Low made no attempt to stop or prevent these potential jurors from reacting in such a way. Judge Low testified at length before this Special Court of Review Panel and corroborated the event. He also testified that he does not care if his use of the term “China Virus” offends anyone, and he admitted that he has no concern about offending people. He acknowledged that he knew some Asian-Americans think the phrase “China Virus” is a racist reference but that he does not believe “China Virus” is racist and he uses it himself.

This is not the first sanction Judge Low has received from the State Commission on Judicial Conduct (the “Commission”) for making offensive statements rooted in a lack of racial understanding that exhibit bias and prejudice based upon race. It is obvious to the Commission, the complainant, and to me that, at a bare minimum, Judge Low needs additional education in order to stop engaging in conduct that casts public discredit upon the judiciary and the administration of justice. Based on the evidence presented, I would hold that the Commission established by a preponderance of the evidence that Judge Low willfully violated Canons 3B(4)¹ and 3B(6)² of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.³ Because the majority concludes that the Commission did not prove by a preponderance of the evidence that Judge Low’s conduct violated these rules, I respectfully dissent.

BACKGROUND

This case arises from the persistently unprofessional behavior of Judge Low, both in his courtroom and on social media. The particular incident at issue before this Special Court of Review Panel occurred on May 7, 2021 in Judge Low’s courtroom in Ector, County, Texas, while he was presiding over juror prequalification as alleged in a complaint filed with the Commission.

¹ Canon 3B(4) of the Texas Code of Judicial Conduct provides, in relevant 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” TEX. CODE JUD. CONDUCT, CANON 3B(4), *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app. C.

² Canon 3B(6) of the Texas Code of Judicial Conduct provides, in relevant 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, disability, age, sexual orientation or socioeconomic status” TEX. CODE JUD. CONDUCT, CANON 3B(6), *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app. C.

³ Article V, Section 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 cases public discredit upon the judiciary or administration of justice.” TEX. CONST. art. V, § 1-a(6)(A).

On May 8, 2021, the complainant submitted her complaint through the Commission's online portal with the following allegations:

On May 7th during pre-qualification for Jury Duty, Judge Justin Low made politically charged comments that made me uncomfortable and feel unsafe.

While referencing COVID-19 he referred to it as the "China Virus" and stated "yeah, I said that!" and that "the attorneys would be upset I said that." Many other prospective [sic] jurors started whooping and clapping. The judge acted in a positive way to encourage this behavior by laughing and nodding. As one of a couple Asian[-]Americans in the group, this made me feel unsafe and uncomfortable, especially with the recent Asian[-]American crime taking place.

Furthermore, Judge Low also made reference to President Biden "making us all millionaires" in a sarcastic tone and then saying "alright, no more political jokes." Referencing COVID-19 as the "China Virus" is not a political joke as it incites hate toward the Asian[-]American community.

Lastly, Judge Low was unprofessional from the beginning of the process calling some of the pre-requisite questions "stupid" and saying, "I don't know why I have to ask this."

After an investigation and a hearing in front of the Commission, Judge Low received a Public Admonition and Order of Additional Education for his conduct. Judge Low exercised his right of review of the Commission's discipline against him and this Special Court of Review Panel convened and held a trial de novo on January 12, 2023.

Contrary to the majority's conclusion, at the trial de novo, Judge Low's own testimony established that his conduct was willful. In judicial misconduct cases generally, "willful" means the "improper or wrongful use of the power of his office by a judge acting intentionally, or with gross indifference to his conduct." *See In re Barr* 13 S.W. 3d 525, 534 (Tex. Rev. Trib. 1998, no appeal) (internal quotations omitted); *see also In re Ginsberg*, 630 S.W.3d 1, 7 (Tex. Spec. Ct. Rev. 2018). "Willful conduct requires a showing of intentional or grossly indifferent misuse of judicial office, involving more than an error of judgment or lack of diligence." *In re Sharp*, 480

S.W.3d 829, 833 (Tex. Spec. Ct. Rev. 2013); *see also In re Davis*, 82 S.W.3d 140, 148 (Tex. Spec. Ct. Rev. 2002); *In re Bell*, 894 S.W.2d 119, 126 (Tex. Spec. Ct. Rev. 1995). A judge need not have specifically intended to violate the Code of Judicial Conduct; a willful violation occurs if the judge intended to engage in the conduct for which he or she is disciplined. *In re Davis*, 82 S.W.3d at 148; *see also In re Barr*, 13 S.W.3d at 539, *In re Slaughter*, 480 S.W.3d 842, 848 (Tex. Spec. Ct. Rev. 2015).

Judge Low unequivocally testified that he told a large group of potential jurors that they were free to use the term “China Virus” while speaking about the COVID-19 pandemic. He stated that he does not care if his use of the term “China Virus” offends anyone, and he admitted that he has no concern about offending people. He also testified that he knew some Asian-Americans think the phrase “China Virus” is a racist reference but that he does not believe “China Virus” is racist. And that “it will only offend liberals,” “[i]t won’t offend anyone else,” and “liberal people could consider it” racially biased. Judge Low confirmed that he continues to use the term “China Virus” inside and outside of the courtroom. Judge Low’s insistence that “China Virus” only shows political bias or prejudice and not racial bias or prejudice illustrates how badly he needs additional education on this topic. Judge Low even disputed that crime has increased against the Asian-American community since the advent of the COVID-19 pandemic, claiming that crime statistics are part of a “political agenda that’s fake” and that it is “not true” and there is “nothing to back that up with.” His gross indifference to the truth and admittedly, intentionally offensive conduct using racist terminology on and off the bench clearly manifests bias and prejudice based upon race and constitutes a willful violation of the Texas Code of Judicial Conduct⁴ and the Texas

⁴ See TEX. CODE JUD. CONDUCT, CANON 3B(4), (6).

Constitution.⁵ See *In re Barr*, 13 S.W.3d at 536–37 (“We find that Judge Barr’s admitted actions in addressing female prosecutors as ‘babes’ were willful conduct that was clearly inconsistent with the proper performance of his duties, cast public discredit upon the judiciary of the State of Texas, as well as on the administration of justice, and thus are violative of Article V, Section 1-a(6)A of the Texas Constitution and Canons 3B(3), (4), and (6) of the Texas Code of Judicial Conduct.” (internal footnotes omitted)); see also *In re Lowery*, 999 S.W.2d 639, 657 (Tex. Rev. Trib. 1998, pet. denied) (explaining “[a] judge who uses racist language . . . reasonably conveys the impression that he or she will not be impartial toward members of the race the judge has demeaned” and “[a]ny conduct inconsistent with proper judicial demeanor, whether on or off the bench, subjects the judiciary as a whole to disrespect” (internal quotations omitted)). Judge Low’s conduct was not justified for any reason, including the variety of implausible reasons he provided in his testimony before this Panel.

CONCLUSION

As our Texas Code of Judicial Conduct instructs: “[J]udges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system.” TEX. CODE JUD. CONDUCT, Preamble, *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app. B. This requires judges to uphold high standards of judicial and personal conduct. See *In re Lowery*, 999 S.W.2d at 657 (“A judge must observe the high standards promulgated by the Code of Judicial Conduct both on and off the bench in order to maintain the integrity of the judiciary . . .”). Judge Low’s pattern of disrespecting the Texas Code of Judicial Conduct and the Texas Constitution requires a public admonition and additional education. Because the majority concludes otherwise, I respectfully dissent.

⁵ See TEX. CONST. art. V, § 1-a(6)(A).

Julie Countiss

Julie Countiss, Justice

OPINION DELIVERED: April 26, 2023