



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 14-0745-DI**

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**PUBLIC WARNING**

**HONORABLE CARLOS CORTEZ  
FORMER JUDGE, 44<sup>TH</sup> JUDICIAL DISTRICT COURT  
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on February 18-20, 2015, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Carlos Cortez, Former Judge of the 44<sup>th</sup> District Court, Dallas, Dallas County, Texas.

**BACKGROUND INFORMATION**

Judge Cortez was elected to the 44<sup>th</sup> District Court bench in November 2006, and assumed the bench on January 1, 2007. Beginning in late 2013 and continuing into 2014, coinciding with the primary election period during which the judge was running for re-election, Judge Cortez was the subject of numerous disparaging media stories concerning, among other things, allegations of criminal conduct. The media reports were widespread, including local, state and national publications.

Because the conduct described in these media reports, if true, would have constituted willful and/or persistent judicial misconduct, including criminal conduct in some instances, the Commission initiated the above-referenced complaint against Judge Cortez in order to investigate four main areas of potential misconduct asserted in the media coverage: (1) allegations that the judge used illegal drugs and hired prostitutes;<sup>1</sup> (2) allegations that the judge violated the Texas Election Code and/or the Texas Penal Code regarding the use of officeholder funds and campaign contributions, and regarding the reporting of travel reimbursement and other expenditures; (3) allegations surrounding the judge's December 2013, arrest for allegedly assaulting his then-

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<sup>1</sup> These allegations came to the Commission's attention as the result of media attention surrounding the court-ordered release of certain documents Judge Cortez sought to have sealed following the dismissal of the defamation lawsuit he filed against a Dallas attorney. The Commission determined that there was insufficient evidence to support a finding that the judge engaged in this conduct.

girlfriend;<sup>2</sup> and (4) allegations surrounding a criminal investigation by the Dallas Police Department into a report that the judge sexually assaulted a woman at his home in November 2013.<sup>3</sup>

With regard to the allegations surrounding Judge Cortez's December 2013 arrest and the decision of the grand jury not to indict him, the Commission focused on information that came to light as a result of the judge's subsequent release to the media of audio and video recordings respecting the complaining witness in the alleged assault case. The judge's actions prompted his former girlfriend to hold a press conference with her attorney and to release her own recordings of conversations between herself and the judge, many of which depicted the judge engaging in lewd, profane and derogatory language toward his girlfriend; descriptions of physical violence allegedly committed by the judge against the girlfriend; discussions as to the complaining witness's contention the judge posted nude photos of her on the Internet; and discussions of numerous trips the two had taken together while they were dating. These recordings, which were transcribed and published in the media, would raise questions about whether Judge Cortez properly reported these travel expenses in his campaign finance reports and/or whether he properly reimbursed himself for the travel expenses using officeholder/campaign funds.

Judge Cortez was advised by letter of the Commission's concerns and provided written responses. Judge Cortez appeared with counsel before the Commission on February 20, 2015, and gave testimony. Based on the evidence before it, the Commission entered the following Findings and Conclusion:

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Carlos Cortez was Judge of the 44<sup>th</sup> District Court in Dallas, Dallas County, Texas.
2. On or about August 7, 2013, Judge Cortez filed a political expenditure report with the Texas Ethics Commission for travel expenses incurred in the amount of \$6,267.62, for which he reimbursed himself from campaign funds.
3. On or about November 19, 2013, Judge Cortez filed political expenditure reports with the Texas Ethics Commission for travel expenses incurred in the amounts of \$3,437.10, \$1,932.622, and \$3,562.31, for which he reimbursed himself from campaign funds.
4. These campaign finance reports, which were signed by Judge Cortez, failed to comply with the reporting requirements set forth in Texas Ethics Commission Rule §20.63.(d), in that the judge failed to disclose details of the travel expenses for which he had been reimbursed.
5. In his written responses to the Commission's inquiries and in his testimony before the Commission, Judge Cortez was unable to provide records to substantiate that he was entitled to reimbursement for travel in the amounts reported to the Texas Ethics Commission.

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<sup>2</sup> That criminal investigation ended in March 2014, with a Dallas County grand jury failing to issue a true bill of indictment.

<sup>3</sup> That criminal investigation concluded in July 2014, with no charges being filed against the judge.

6. Judge Cortez testified that any failure to properly report political expenditures was due to the failure of an attorney hired by the judge to maintain his financial records and complete the reports.
7. Judge Cortez testified that the attorney was unable or unwilling to provide assistance in recovering financial records that would support the reported expenditures.
8. Judge Cortez acknowledged that he reviewed the campaign finance reports prepared by his attorney and signed them, thereby swearing that the information contained in the reports was accurate.
9. Judge Cortez testified that he no longer used the attorney to prepare and file his campaign finance reports, and that the judge prepared and filed the most recent report filed with the Texas Ethics Commission in January 2015; however, when questioned about a \$51,000 political expenditure incurred at a restaurant in October 2014, Judge Cortez testified that this information was incorrect and was the result of a “typo.”
10. Judge Cortez testified that he intended to correct the “typo” in the January 2015 report and file amended reports with the Texas Ethics Commission that either (a) accounted for the full amounts for which he had been reimbursed, or (b) reflected any offset between what the campaign owed him and for what he may have reimbursed himself that he cannot support with receipts or other financial records.
11. Pursuant to Texas Ethics Commission Rule §20.63(e), a candidate’s or officeholder’s failure to comply with subsection (d) may not be cured by filing a corrected report after the report deadline has passed.
12. Moreover, a candidate or officeholder who violates §20.63(d) is deemed to have converted political funds to personal use, in violation of Texas Election Code §253.035.
13. Audio recordings of conversations between Judge Cortez and his then-girlfriend that were publicized in the media contained numerous statements by the judge that cast public discredit upon the judiciary.
14. When questioned about the accuracy of the information contained in the published recordings, specifically in connection with the allegation that the judge had retaliated against his then-girlfriend following a fight by posting nude photos of her on the Internet, Judge Cortez refused to admit or deny the claim, stating that he would not respond because he intended to file a civil lawsuit against her.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “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. Article V, §1-a(6)A of the Texas Constitution states, in pertinent part, 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

The Commission concludes based on the facts and evidence before it that Judge Cortez failed to comply with the law when he reimbursed himself from campaign funds for travel expenses that were not properly reported to the Texas Ethics Commission. The judge's acceptance of travel reimbursements that were not supported by complete and accurate disclosures to the public as required through these reports constituted conversion of public funds to his personal use in violation of the Texas Election Code. The fact that the reports were prepared and filed by the judge's attorney does not mitigate Judge Cortez's responsibility as the officeholder/candidate to ensure the accuracy of the reports before signing them. The Commission concludes that Judge Cortez's conduct, as described above, constitutes willful and/or persistent violations of Canon 2A of the Texas Code of Judicial Conduct.

The Commission also concludes based on the facts and evidence before it that Judge Cortez engaged in willful conduct that resulted in the negative attention and criticism levied against him in the press during 2013 and 2014, therefore casting public discredit not just on the judge, but on the rest of the judiciary in Dallas County and across the State. While the judge contends that the Dallas County media was biased against him and motivated by a conspiracy of relationships with local attorneys who were adversarial to the judge, there is no question that Judge Cortez, through his own personal conduct, provided any person, including political enemies, and the press with sufficient information that could be used against him. The Commission concludes that Judge Cortez's conduct, as described above, violated Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Canon 2A of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Carlos Cortez, Former Judge of the 44<sup>th</sup> District Court, Dallas, Dallas County, Texas.

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 WARNING** 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 the 9<sup>th</sup> day of March, 2015.

ORIGINAL SIGNED BY

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