



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 09-0413-RT, 09-0488-RT, 09-0489-RT, 09-0637-RT

PUBLIC ADMONITION

**HONORABLE W. JEANNE MEURER
RETIRED DISTRICT COURT JUDGE
AUSTIN, TRAVIS COUNTY, TEXAS**

During its meeting on February 17-19, 2010, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable W. Jeanne Meurer, formerly Judge of the 98th Judicial District Court of Travis County, Texas.¹ Judge Meurer was advised by letter of the Commission's concerns and provided a written response. Judge Meurer appeared with counsel before the Commission on February 18, 2010, and gave testimony. 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 W. Jeanne Meurer, was Judge of the 98th Judicial District Court in Austin, Travis County, Texas.
2. On August 26, 2008, an initial detention hearing took place before Judge Meurer at the Gardner-Betts Juvenile Detention Center, in a case involving E.Y., a juvenile who had been arrested the night before for allegedly assaulting her mother.
3. Those present for the hearing included E.Y., her mother, her brother and sister-in-law, a CPS² supervisor and caseworker, a CASA³ supervisor, a Casey Family Program CPS Reintegration Project Coordinator, a Texas Family Support Services parent coach and

¹ Judge Meurer served as Judge of the 98th Judicial District Court of Travis County, Texas, from 1989 through December 31, 2008, at which time she retired. Judge Meurer is currently eligible to sit by assignment pursuant to Texas Government Code, Sec. 74.054.

² Child Protective Services (CPS) is a division of the Texas Department of Family and Protective Services. At the time of the hearing, E.Y. was a foster child in the temporary custody of TDFPS and had recently been returned to her mother's possession as part of the Casey Family Program CPS Reintegration Project.

³ CASA is the acronym for the Court Appointed Special Advocate Program, a non-profit organization whose voluntary participants advocate on behalf of children who are involved in legal proceedings.

mentor, the Assistant District Attorney, probation officers, E.Y.'s public defender, and E.Y.'s attorney in the CPS case.

4. Shortly after 1:20 p.m., the Assistant District Attorney announced the charge against E.Y.
5. After a brief discussion with E.Y., Judge Meurer sent the juvenile out of the courtroom and began questioning the remaining participants about their recommendations.
6. Initially, caseworkers discussed the pros and cons of a variety of options but appeared to believe detention was the more viable option until treatment services could be arranged and E.Y.'s psychological and medical needs could be evaluated. The caseworkers also indicated that they needed additional time to formulate a family safety plan for E.Y.'s eventual return home.
7. The initial recommendations were based in large part on the request of E.Y.'s mother, who, fearing more violent outbursts, wanted her daughter's medication reevaluated by a psychiatrist before E.Y. returned home. The caseworkers also attempted to explain the difficulties in finding a psychiatrist who could immediately assess E.Y., and their disagreement over whether E.Y.'s medication needed to be addressed at all.
8. According to numerous witnesses, as the caseworkers attempted to explain their concerns and recommendations, Judge Meurer became visibly angry and motioned for the court reporter to start recording the proceedings.
9. On the record, Judge Meurer angrily stated her belief that the caseworkers were only recommending detention for the sake of expedience and their own convenience.
10. Judge Meurer further registered her disapproval of the recommendation to detain E.Y. by telling the caseworkers, "Before I do that, each of you will spend three hours in this locked cell. You go in there and you be striped [sic] searched. And you spend three hours in this locked facility..."
11. The judge reiterated her intention to have the caseworkers appreciate the consequences of their recommendation shortly thereafter by stating, "...you go spend three hours down there and you be locked up. Each of you do it..." Judge Meurer went on to ask: "Any of you been to jail?"
12. The judge added, "I want this transcribed. This may be one that I give to the *Statesman*."
13. Before taking a five minute recess, Judge Meurer told the parties to come back and "tell me the honest truth and quit making up these stories" and to stop "us[ing] this Court."
14. After the recess, the caseworkers and E.Y.'s mother communicated to the court that they recommended that E.Y. return home with a safety plan.
15. At approximately 2:15 p.m., Judge Meurer asked everyone who had originally recommended detention for E.Y. to raise their hands. After counting the raised hands, the judge directed her bailiff as follows:

"This case will be recessed until 2:45, at which time I will reconvene with a decision. Each of you ... are to go back into detention. Detention, you are to have six different cells, and you are to put them in that cell and just let them sit there until 2:45. Tell me if this is where you want this child to be... You're to see what it's like to be locked up... I want the mother to experience what it's like for the daughter to be locked up... [P]lease follow Mr. Serna (bailiff) in."
16. The CPS caseworker and her supervisor, the CASA volunteer, the Casey Family Program CPS Reintegration Project Coordinator, the Texas Family Support Services parent coach and

mentor, and E.Y.'s mother were then escorted down a hallway to a secured holding area, where they were placed in small, locked intake cells for approximately 20 minutes.

17. The parties returned to the courtroom at approximately 2:45 p.m., at which time Judge Meurer addressed their detention experience by saying: "This is not punishment; this is helping people understand that jail is not a tool and that the deprivation of liberty is a frightening experience. And it's a degrading experience."
18. The judge went on to explain that "[y]ou would not have wanted me to leave you there for 24 hours as a way to appease my temper..."
19. After another recess, the District Attorney's Office announced that it was going forward with the assault charge against E.Y. Thereafter, the parties re-urged the recommendation they had made just prior to their detention that E.Y. be returned to her mother with a safety plan in place.
20. Judge Meurer accepted the recommendations, and concluded the hearing with the following commentary: "For those of you who I've worked with, I would ask to speak with you [in chambers]. If you care not to, that's your decision. Those of you who know me, know exactly what I did and why. For those of you who don't and are angry, I'm sorry."
21. In her written and oral testimony before the Commission, Judge Meurer acknowledged that the initial recommendation for detention surprised, angered, frustrated, and disappointed her; however, she did not believe that her treatment of the participants was rude or discourteous.
22. The judge went on to explain that although she did let her anger affect her demeanor, since her intent was to "achieve a settlement," her actions were "within [her] authority."
23. The judge further described how, after the detention, she took on a more "professional and supportive tone" and invited the participants to meet with her in chambers for a "more intimate heart-to-heart discussion of feelings."
24. Judge Meurer denied that she "ordered" the detention and stated that she did not believe that any of the participants had actually been "detained."
25. Moreover, according to the judge, it had not been her intention to have the participants locked up; she did not "order" the cell doors to be locked; she did not believe that the cell doors had been locked; it was her belief that the detainees had always been free to refuse to follow the bailiff into the detention cells; it was her belief that, once placed in the cells, the detainees could have left at any time.
26. Despite Judge Meurer's stated understanding of the incident, the detainees all believed that they had no choice in the matter of their detention as none had been offered the opportunity to refuse to be detained and all understood the judge's instructions to the bailiff to be an order of the court.
27. Additionally, according to an officer who was present at the hearing, the cell doors had, in fact, been locked based on his understanding of the judge's instructions and her use of the term "locked up" at various times in connection with the parties' detention.
28. In her oral testimony before the Commission, Judge Meurer conceded that she had no legal authority to order any of these individuals held for any period of time in juvenile detention cells.
29. In her written and oral testimony before the Commission, Judge Meurer indicated her remorse for the actions she had taken on August 26th.

30. Further, the judge expressed regret that not all of the participants had accepted the apology she made at the conclusion of the detention hearing.
31. The incident involving the August 26th detention was the subject of an August 30, 2008 article in the *Austin American Statesman*.

RELEVANT STANDARDS

1. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for a willful violation of the Texas Code of Judicial Conduct, or for willful or persistent conduct that is clearly inconsistent with the proper performance of [her] duties or casts public discredit upon the judiciary or administration of justice.
2. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law”
3. Canon 3B(4) of the Texas Code of Judicial Conduct states, 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...”

CONCLUSION

The Commission concludes, based on the facts and evidence before it, that Judge Meurer failed to comply with the law and failed to be patient, courteous and dignified in her dealings with the participants in the August 26, 2008 hearing. Specifically, Judge Meurer willfully violated Canons 2A and 3B(4) of the Texas Code of Judicial Conduct by allowing her anger and frustration with the concerns and recommendations of the caseworkers and the juvenile’s mother to interfere with her judgment. As a result, seven adults were briefly, but unlawfully detained in locked cells at the Gardner-Betts Juvenile Detention Center. Each one of those detainees reasonably perceived that this extreme action was punishment for making a recommendation with which Judge Meurer disagreed. While the judge’s stated intention may have been commendable and her frustration understandable, her decision to execute that intent and “appease her anger” and frustration by having her bailiff lock these participants in juvenile detention cells was an abuse of Judge Meurer’s authority and cannot be condoned. The facts and circumstances surrounding this incident simply do not justify the rare circumstance in which such an extraordinary and extreme exercise of judicial power would ever be warranted. As further demonstrated by the change in her tone and demeanor immediately following the detention, Judge Meurer knew, or should have known, that her actions were excessive, did not comply with the law, did not show respect for the law, and did not promote public confidence in the judiciary’s integrity and impartiality. As such, her actions constituted willful conduct that was clearly inconsistent with the proper performance of her judicial duties, and cast public discredit upon the judiciary and administration of justice in violation of Article V, §1-a(6)A of the Texas Constitution.

In mitigation, the Commission notes that the judge (a) recognized that she had no authority to detain these individuals and (b) has been cooperative and contrite before the Commission.

In condemnation of the conduct described above that violated Canons 2A and 3B(4) of the Texas Code of Judicial Conduct, and Article V, sec. 1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable W. Jeanne Meurer, Former Judge of the 98th Judicial District Court, Austin, Travis County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 30th day of March, 2010.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct