



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 04-0058-DI

PUBLIC REPRIMAND

**HONORABLE LUIS AGUILAR
120TH DISTRICT COURT
EL PASO, EL PASO COUNTY, TEXAS**

During its meeting in Austin, Texas on December 8-10, 2004, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Luis Aguilar, 120th District Court, El Paso, El Paso County, Texas. Judge Aguilar was advised by letter of the Commission's concerns and provided written responses. Judge Aguilar appeared with counsel before the Commission on August 12, 2004, 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 Luis Aguilar was Judge of the 120th District Court in El Paso, El Paso County, Texas.
2. Jo Ann Levison was employed as the Court Coordinator for the 120th District Court from January 1, 2003 through July 3, 2003. Prior to her employment as Judge Aguilar's Court Coordinator, Levison had worked for the judge in his private law practice.
3. According to sworn affidavits from Levison and the judge's former Court Reporter, Judge Aguilar made derogatory remarks and gestures of a sexual nature about women, including female judges, prosecutors, probation officers, and others with whom the judge deals in his official capacity. Most of these comments were made in the judge's chambers or offices, but in the presence of court staff.

4. According to witnesses, Judge Aguilar used such terms as, “hot tamale,” “fucking bitch,” “fat pig,” “fucking lazy,” “stupid bitch,” and the like to refer to women. He also referred to one female judge as being “in heat.”
5. On more than one occasion, witnesses observed Judge Aguilar lose his temper and scream at female prosecutors, attorneys, and court staff in front of other people.
6. On or about March 28, 2003, Laura Franco Gregory, an Assistant District Attorney for El Paso County, appeared before Judge Aguilar to obtain default judgments in two asset forfeiture cases.
7. Witnesses reported that during the course of the proceedings, Judge Aguilar raised his voice and shook his finger at Gregory in a condescending and berating manner.
8. Gregory then stated, “Judge, please stop berating me in open court.” According to Gregory and other witnesses, the courtroom was full of inmates, defendants, and attorneys.
9. Judge Aguilar then ordered Gregory to sit down. When she was unable to sit down fast enough, the judge, visibly upset, yelled at her to sit down a second time.
10. Finally, Judge Aguilar “lost control,” yelling at Gregory to see him in chambers. Gregory, along with the judge’s bailiff, followed Judge Aguilar into his chambers where, according to Gregory, Judge Aguilar continued to berate and curse at her, telling Gregory that she “had better damn well show respect” for him and his court.
11. According to Gregory, Judge Aguilar was so out of control and full of rage that she believed the judge was going to hit her.

RELEVANT STANDARD

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. . . .”

CONCLUSIONS

The Commission concludes from the facts and evidence presented that Judge Aguilar’s persistent use of derogatory, demeaning, and sexual remarks toward women, including female judges, prosecutors, probation officers, and others with whom the judge deals in his official capacity, and, in particular, his abusive treatment of Laura Franco Gregory before a courtroom full of people, lacked the patience, dignity and courtesy required of a judicial officer, in violation of Canon 3B(4) of the Texas Code of Judicial Conduct. It is apparent from the description of this event that Judge Aguilar’s principal motivation in berating Ms. Gregory was the need to exert his power as a judge over the attorney by means of intimidation and fear. In condemning Judge Aguilar’s conduct toward Ms. Gregory, the Commission is mindful of the historic role that the judiciary has played in mentoring lawyers in order to foster the continually high ethical standards of the

legal profession. In this regard, Judge Aguilar's course of conduct has undermined that goal, as well as the public's confidence in the integrity, impartiality, and independence of the Texas judiciary.

In condemnation of the conduct described above that violated Canon 3B(4) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable Luis Aguilar, Judge of the 120th District Court, El Paso, El Paso County, Texas.

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

The Commission has taken this action in a continuing effort to protect 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 21st day of December, 2004.

ORIGINAL SIGNED BY

Honorable James A. Hall, Chair
State Commission on Judicial Conduct