



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

---

**CJC No. 14-0821-DI, 14-0846-DI, 14-0874-DI, 15-0145-DI**

---

**PUBLIC WARNING  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE JEANINE L. HOWARD  
CRIMINAL DISTRICT COURT NO. 6  
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on August 12-14, 2015, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jeanine L. Howard, Judge of the Criminal District Court No. 6, Dallas, Dallas County, Texas. Judge Howard was advised by letter of the Commission's concerns and provided a written response. Judge Howard appeared before the Commission with counsel on August 13, 2015, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Jeanine L. Howard was Judge of the Criminal District Court No. 6 in Dallas, Dallas County, Texas.
2. On April 24, 2014, Sir Khalil Young appeared in Judge Howard's court and pleaded guilty to the charge of second degree felony sexual assault resulting from an incident that occurred on October 4, 2011.

3. At the time of the assault, the victim was fourteen years old and Young was eighteen years old.<sup>1</sup>
4. According to Judge Howard, when testifying at the April 24, 2014 hearing, the victim had given the impression that she had never had sex before.
5. However, when Judge Howard later reviewed the victim's medical records in chambers, the judge found an entry that led her to erroneously conclude that the victim had previously given birth to a baby.<sup>2</sup>
6. Based solely upon her in-chambers review of the victim's medical records, and without ascertaining the accuracy of her inference through additional testimony or evidence, Judge Howard concluded that the victim had misled the Court.
7. At the conclusion of the hearing, Judge Howard issued a judgment of deferred adjudication and placed Young under community supervision for five years.
8. As a condition of community supervision, Judge Howard ordered Young to complete 250 community service hours at a Rape Crisis Center.
9. Thereafter, several media stories were published reporting that the Executive Director of the Rape Crisis Center was disappointed with Judge Howard's decision and objected to Young performing his community service hours at the center.
10. In responding to the Commission's inquiry, Judge Howard testified that she felt "under attack for giving probation in this sort of case, which happens all the time in Dallas County" and that she could not understand why this decision was "getting such flack."
11. On April 30, 2014, Judge Howard amended the conditions of Young's community supervision, removing the requirement that he perform community service at the Rape Crisis Center; instead, she required him to perform the hours with an agency to be approved by the judge.
12. On May 1, 2014, Judge Howard received a telephone message from a *Dallas Morning News* reporter concerning the *Young* case.
13. Judge Howard returned the reporter's call and agreed to speak with her about the case.
14. According to Judge Howard, she agreed to speak with the reporter because previous media stories about the *Young* case had been inaccurate and, therefore, "the public deserved a more truthful and complete story" regarding her decisions in the *Young* case.
15. Judge Howard advised the Commission that she had informed the reporter at the time of their conversation that she had recused herself from the *Young* case.
16. However, Judge Howard did not recuse herself from the *Young* case until the following day.<sup>3</sup>

---

<sup>1</sup> Young's victim turned fifteen a month after the assault; therefore, there was more than a three year age difference between the two at the time of the assault. However, the State chose to charge and indict Young for a second degree sexual assault, not for sexual assault of a child.

<sup>2</sup> No testimony or evidence of a pregnancy or birth had been admitted at the hearing; however, it appears evident from the medical records that the entry Judge Howard mistakenly relied upon was a reference to the circumstances of the victim's own birth and that there were other entries indicating that the victim had no history of pregnancies or births. In her testimony before the Commission on this issue, Judge Howard stated that upon further review of the medical records, she is not certain whether in fact the victim had given birth to a child.

17. Judge Howard testified that she did not remember telling the reporter that the victim was “not a virgin,” but she did recall indicating her surprise that this was not the victim’s first sexual encounter.
18. Judge Howard further testified that she may have told the reporter that “the victim was not the victim she claimed to be” and that the defendant was “not your typical sex offender,” or words to that effect.
19. Judge Howard acknowledged that when the call ended, she immediately regretted her comments about the victim; however, when she called the reporter back and asked her to remove the statements, the reporter informed the judge that it was too late.
20. As a result of Judge Howard’s conversation with the reporter, the *Dallas Morning News* published an article on or about May 1, 2014, with the headline: “Judge says sexually assaulted 14-year-old ‘wasn’t the victim she claimed to be.’”
21. According to the article, Judge Howard asserted that Young was not a typical sex offender and that the victim was not a virgin. The article also reported that Judge Howard stated that the victim “wasn’t the victim she claimed to be,” and had been sexually active and given birth to a baby before the sexual assault.
22. The article included a response from the victim’s mother, who was “livid” about Judge Howard’s comments. According to the mother, the victim had never been pregnant.
23. Thereafter, additional news stories were published by local, state and national media outlets that were critical of Judge Howard’s comments about the victim.<sup>4</sup>
24. According to an attorney for the victim’s mother, Judge Howard’s public comments caused the victim and her mother to question whether they should have ever come forward to report the sexual assault. He added that the victim had been re-victimized by the information reported to the media by Judge Howard.
25. In her testimony before the Commission, Judge Howard expressed some sympathy for the victim’s situation and acknowledged that her statements to the reporter may have re-victimized the victim.
26. Judge Howard also testified that her decision to discuss the *Young* case with the reporter constituted “poor judgment,” and, as a result, she would never again discuss any case with the media.
27. However, Judge Howard also continued to defend her conduct by asserting that she acted in good faith and that the information she shared with the reporter was a matter of public record.

### **RELEVANT STANDARDS**

---

<sup>3</sup> On May 2, 2014, the day after she spoke with the reporter regarding the *Young* case, Judge Howard filed a Request for Assignment recusing herself from the case and the case was transferred to another court by the Presiding Judge of the First Administrative Region.

<sup>4</sup> Additionally, an online petition drive began on [www.change.org](http://www.change.org), wherein citizens urged the Commission to sanction or remove Judge Howard from office.

1. Article V, Section 1-a(6)A of the Texas Constitution provides that any Texas justice or 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.
2. Canon 3B(10) of the Texas Code of Judicial Conduct provides, in pertinent part: “A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge’s court in a manner which suggests to a reasonable person the judge’s probable decision on any particular case.”

### CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Howard’s decision to speak to the *Dallas Morning News* reporter, regardless of motivation, constituted willful conduct that was inconsistent with the judge’s performance of her duties. Judge Howard’s decision to publicly share unflattering information about a fourteen-year-old rape victim, at best, reflects poor judgment on the part of the judge. The fact that some of the information disclosed by Judge Howard about the victim was not accurate serves as an unfortunate example of why it is important that judges avoid making public comments about pending cases.

The Commission reminds Judge Howard that judicial independence and impartiality are bedrock principles of our judicial system. It is not enough for judges to decide cases impartially and independently; they must also diligently maintain the appearance of impartiality and independence in order to constantly reaffirm the public’s confidence in our justice system. An independent judge accepts that she may face criticism for her decisions, and does not succumb to the temptation to publicly defend an unpopular decision in the press. A judge who is not independent cannot be impartial.

Despite her subsequent recusal, Judge Howard undermined the public’s confidence in her impartiality and independence by defending her rulings in the press, giving rise to a legitimate concern that she would not be fair or impartial in other sexual assault cases. Moreover, Judge Howard’s reckless and inaccurate public statements about the sexual history of Young’s victim not only re-victimized the victim in the *Young* case, but also potentially harmed other sexual assault victims by discouraging them from reporting these crimes or participating in their prosecution. In this case, Judge Howard’s admitted “poor judgment” generated considerable negative media attention that undermined public confidence in the judiciary and cast public discredit upon the administration of justice. The Commission concludes that Judge Howard’s conduct constituted a willful violation of Canon 3B(10) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6) of the Texas Constitution.

\*\*\*\*\*

In condemnation of the conduct described above that violated Canon 3B(10) 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 AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Jeanine L. Howard, Judge of the Criminal District Court No. 6 in Dallas, Dallas County, Texas.

Pursuant to this Order, Judge Howard must obtain **four (4) hours** of instruction with a mentor in addition to her required judicial education for Fiscal Year 2016. In particular, the Commission desires that Judge Howard receive this additional education regarding a judge’s duty (a) to be patient,

dignified, and courteous toward victims of sexual assault, and (b) to refrain from making public comments about pending or impending cases. In connection with the **four (4) hours** of instruction, the Commission would permit the judge to substitute **one (1) hour** through volunteer service at the Rape Crisis Center, if approved by the Center.

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

Upon the completion of the **four (4) hours** of instruction described herein, Judge Howard 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 WARNING AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

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 5<sup>th</sup> day of September, 2015.

ORIGINAL SIGNED BY

---

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