



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC Nos. 19-0148, 19-0195, 19-0205, 19-0230 & 19-0388**

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**PUBLIC ADMONITION**

**HONORABLE JOHN LIPSCOMBE  
TRAVIS COUNTY COURT AT LAW NO. 3  
AUSTIN, TRAVIS COUNTY, TEXAS**

During its meeting on April 3-5, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable John Lipscombe, Travis County Court at Law No. 3 Judge, Austin, Travis County, Texas. Judge Lipscombe was advised by letter of the Commission's concerns and provided a written response. 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 John Lipscombe was the Judge for Travis County Court at Law No. 3, Austin, Travis County, Texas.
2. On Monday, October 8, 2018, Judge Lipscombe closed his courtroom and draped black fabric over its doors.
3. On that date, a television news reporter, Jenni Lee, posted to Twitter a photograph of the closed courtroom doors draped in black fabric, with the statement, "County Court at Law, Judge John Lipscombe draped his door with funeral bunting and shut down his court today (office is still open) as a form of silent protest after Brett Kavanaugh was confirmed as a Supreme Court Justice. He told me he felt the need to do something because Kavanaugh's confirmation was a big step backwards for this country. He said it shows disrespect to women and men. The rest of the courthouse is open."
4. Other news outlets picked up the story, and Judge Lipscombe's conduct garnered significant media attention, resulting in five complaints to the Commission about the Judge's behavior.

5. In his responses to the Commission, Judge Lipscombe confirmed that he spoke by telephone with Ms. Lee, and that he told her he “was protesting the confirmation of Brett Kavanaugh to the United States Supreme Court, because of his total disrespect toward women who had suffered sexual assault and his blatant disrespect toward the Senate Committee, especially the female Senators.” The Judge indicated that he may have also told Ms. Lee that he “was appalled at [Kavanaugh’s] lack of judicial temperament and questionable character.” Judge Lipscombe described the telephone call as “very short,” and stated that he did not speak to any other members of the news media, or issue any statements to the general public, regarding his protest.
6. Judge Lipscombe stated that he had 107 matters on his dockets that day, and there were 69 criminal defendants scheduled to make appearances. Regarding the notice given to attorneys and litigants with matters before the court that day that the courtroom would be closed, Judge Lipscombe indicated that he contacted the President of the Austin Criminal Defense Lawyers Association, and asked him to “put out a notice of closure to his membership on the ACDLA’s private server.” Otherwise, Judge Lipscombe’s bailiff advised attorneys and litigants when they arrived at the courthouse that the court was closed.
7. Judge Lipscombe stated that on October 8, 2018, he was in his office working the entire day, and available to attorneys and others who wished to speak with him. He indicated that his court coordinator, who worked from home responding to emails, and his bailiff, who was in the courthouse, were available to “answer questions and give resets,” and that the prosecutors who work in his court were in the courthouse conducting “their everyday business with Defense Attorneys.”
8. Asked to explain his conduct, Judge Lipscombe stated, “As I watched the confirmation process for Brett Kavanaugh, I became more and more disgusted and concerned for the future of the Supreme Court . . . not because he comes from a political party different from mine, but because of his character and conduct. I was concerned about the person, but also the process of confirmation. . . My feelings about this are anything but political. I strongly felt, and continue to feel, that the Supreme Court and our entire Judiciary has been besmirched and that I had a personal obligation to show my disapproval and demonstrate my utmost respect for the Judiciary and my dedication to our Constitution and its principles of fairness and justice.”

### **RELEVANT STANDARDS**

1. Canon 3B(2) of the Texas Code of Judicial Conduct states in relevant part that a judge “shall not be swayed by partisan interests, public clamor, or fear of criticism.
2. Article V, §1-a(6)A of the Texas Constitution provides in relevant part that a judge shall not engage in “willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice.”

### **CONCLUSION**

The Commission concludes from the facts and evidence presented that by closing his courtroom and draping its doors with black fabric in public protest of the confirmation of Justice Kavanaugh to the United States Supreme Court, Judge Lipscombe engaged in willful conduct that was clearly inconsistent with the proper performance of his judicial duties, and cast public discredit on the judiciary and the administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution. The Commission further concludes that Judge Lipscombe’s decision to publicly protest Justice Kavanaugh’s

confirmation in this manner was influenced by partisan interests and public clamor, in violation of Canon 3B(2) of the Texas Code of Judicial Conduct.

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In view of the conduct described above that violated Canon 3B(2) 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 ADMONITION** to the Honorable John Lipscombe, Travis County Court at Law No. 3 Judge, Austin, Travis 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 ADMONITION**.

The Commission has taken this action with the intent of assisting Judge Lipscombe in his continued judicial service, as well as 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 the 8 day of August, 2019.

*Catherine N. Wylie*

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Honorable Catherine N. Wylie  
State Commission on Judicial Conduct