



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

**CJC Nos. 18-0388, 18-0679, 18-0835, 18-0974, 19-0178,
21-0292, 21-0293, 21-0294 & 21-0306**

**PUBLIC WARNING AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE PATRICIA BACA BENNETT
360TH JUDICIAL DISTRICT COURT
FORT WORTH, TARRANT COUNTY, TEXAS**

During its meeting on August 6 and 11-13, 2021, the State Commission on Judicial Conduct concluded a review of the allegations in these matters against the Honorable Patricia Baca Bennett, judge for the 360th Judicial District Court, Fort Worth, Tarrant County, Texas. Judge Baca Bennett was advised by letters of the Commission's concerns and provided written responses to same. Judge Baca Bennett appeared before the Commission on August 12, 2021, and provided testimony regarding these matters.

BACKGROUND

During the 2018 election cycle, Judge Baca Bennett made several posts to her Facebook page supporting the campaigns of candidates for judicial office.¹ Generally, those posts consisted of statements lauding the experience and/or qualifications of certain candidates or defending those candidates against political attacks from others, or statements in opposition to the opponents of such candidates.

In addition, Judge Baca Bennett posted to Facebook the comment, "Robert Francis O'Rourke. #fakemexican" about then-candidate for U.S. Senate, Beto O'Rourke. Further, on March 6, 2018, Judge Baca Bennett remarked "Finally Gone!!!" about the loss in the primaries of Texas Representative Jason Vallalba and later responded with two laughing emojis to the comment, "I'm sure [Vallalba] will find a job, there are lots of local opportunities in both the hotel and food service industry."

¹ Judge Baca Bennett was not running for office in the 2018 election.

On December 22, 2017, in a Facebook post unrelated to politics, Judge Baca Bennett shared a link to an article titled “Scientologist’s Facilities Closed After Police Find People Held Prisoner Inside,” with her comment, “Scientology is not a church. It is an evil scam.”

On October 25, 2020, Judge Baca Bennett posted to her Facebook page a meme featuring an image of the Looney Tunes character Wily E. Coyote reading a book, with the comment, “How to carry kids across the border. . .,” followed by an image of Dora the Explorer, a Hispanic cartoon character, tied to a rocket and Wile E. Coyote attempting to light the fuse. Judge Baca Bennett removed the meme from her Facebook page soon afterwards and posted a retraction of same.

During her appearance before the Commission, Judge Baca Bennett acknowledged it was inappropriate for her to post the materials described above on her personal Facebook page and stated that she regretted doing so. Judge Baca Bennett represented to the Commission that while she still maintains a campaign Facebook page that is run by a political consultant, she has deactivated her personal Facebook page and will no longer participate in social media.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Patricia Baca Bennett was the judge for the 360th Judicial District Court, Fort Worth, Tarrant County, Texas.
2. During the 2018 Republican primary elections, Judge Baca Bennett made posts to her Facebook page about judicial candidate James Munford², including defending him against political attacks accusing him of being a “gun grabber,” a “RINO,” and of being abusive towards his first wife decades before, making negative comments about his opponent’s voting record, and urging the public to ignore the political attacks against him and to vote for Judge Munford because of his superior experience and qualifications.
3. During the 2018 election cycle, Judge Baca Bennett also made posts to her Facebook page promoting the campaign of Judge Cynthia Favila Terry, a candidate for judicial office, including posting about her attendance at a “Meet and Greet Luncheon” hosted by Judge Terry, “liking” a post about the event, and sharing screenshots of Judge Terry’s campaign flyers.
4. During the 2018 election cycle, Judge Baca Bennett made posts to her Facebook page promoting the campaign of Judge Alex Kim, a candidate for judicial office, including sharing Judge Kim’s campaign materials, posting at length about Judge Kim’s superior qualifications for the position, and making negative comments about Judge Kim’s opponent that insinuated Judge Baca Bennett had unique knowledge that the candidate was unsuited for the position because he left “a baby in danger.”
5. Judge Baca Bennett posted to Facebook about then-candidate for U.S. Senate, Beto O’Rourke, the comment, “Robert Francis O’Rourke. #fakemexican”.
6. Judge Baca Bennett made a Facebook post in which she remarked “Finally Gone!!!” about the loss in the primaries of Texas Representative Jason Vallalba and later responded with two laughing

² At the time, Judge Munford was an Associate Judge for the 322nd Judicial District Court.

emojis to the comment, "I'm sure [Vallalba] will find a job, there are lots of local opportunities in both the hotel and food service industry."

7. Judge Baca Bennett shared on her Facebook page a link to an article about Scientology with the comment, "Scientology is not a church. It is an evil scam."
8. In October of 2020, Judge Baca Bennett posted to her Facebook page a meme featuring an image of the Looney Tunes character Wile E. Coyote reading a book, with the comment, "How to carry kids across the border..." followed by an image of Dora the Explorer, a Hispanic cartoon character, tied to a rocket and Wile E. Coyote attempting to light the fuse.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 2B of the Texas Code of Judicial Conduct states in relevant part that a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.
2. Canon 4A(1) of the Texas Code of Judicial Conduct states that a judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge.
3. Canon 5(2) of the Texas Code of Judicial Conduct states in relevant part that a judge shall not authorize the public use of his or her name endorsing another candidate for any public office.
4. Article V, Section 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 administration of justice."

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined Judge Baca Bennett, judge for the 360th Judicial District Court, Fort Worth, Tarrant County, Texas, should be publicly warned for: (1) lending the prestige of her judicial office to advance the private interests of judicial candidates in the 2018 election, in violation of Canons 2B and 5(2) of the Texas Code of Judicial Conduct; and (2) posting comments to her Facebook page which cast reasonable doubt on Judge Baca Bennett's capacity to act impartially as a judge and constituted willful conduct that cast public discredit upon the judiciary, in violation of Canon 4A(1) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)(A) of the Texas Constitution.

Pursuant to this Order, Judge Baca Bennett must obtain **two (2) hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Baca Bennett receive this additional education in the area of racial sensitivity. Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Center for the Judiciary to the extent necessary to enable that entity to assign the appropriate mentor for Judge Baca Bennett.

Judge Baca Bennett shall complete the additional **two (2) hours** of instruction recited above within **60 days** from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Baca Bennett's responsibility to contact the assigned mentor and schedule the additional education.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 16th day of August, 2021.



David Hall

Chairman, State Commission on Judicial Conduct