



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 19-1179 & 19-1213

**PUBLIC REPRIMAND AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE STEPHEN EGAN
JUSTICE OF THE PEACE, PRECINCT 4
MIDLOTHIAN, ELLIS 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 Stephen Egan, Justice of the Peace, Precinct 4, Midlothian, Ellis County, Texas. Judge Egan was advised by letter of the Commission's concerns and provided written responses.

BACKGROUND

On August 16, 2017, Judge Egan terminated the employment of his court clerk, Melva Jones. In the process, Judge Egan made untrue statements to other court employees about Mrs. Jones. The following day, an altercation occurred between Judge Egan and Mrs. Jones' husband, Constable Mike Jones, in their shared office space, which Judge Egan surreptitiously recorded on his cell phone (the "Video Recording"). At the time of this incident, criminal charges were pending against Constable Jones in unrelated matters.¹

The Video Recording shows Judge Egan began secretly recording his movements and then engaged Constable Jones, who was seated at his desk, by repeatedly entering the Constable's personal office and depositing his wife's belongings on the floor. Eventually, Judge Egan's conduct provoked an angry verbal response from Constable Jones. Within moments, police officers arrived on the scene, having been summoned some time earlier by Judge Egan's clerk, Bernadine Mejia, who reported to law enforcement that Judge Egan requested assistance because Constable Jones was causing a disturbance.

¹ The criminal charges against Constable Jones, which included misuse of official information and retaliation, were dismissed in April of 2018.

The Video Recording does not show Judge Egan directing Ms. Mejia to contact law enforcement or otherwise signaling his need for assistance. After concluding no crime had been committed, the police officers left Judge Egan's office.

Judge Egan gave testimony about his interaction with Constable Jones in a subsequent civil action brought by the Ellis County District Attorney to remove Constable Jones from office styled *The State of Texas, Ex Rel. Jeff Ward v. Michael Wade Jones* (Cause No. 96842) (the "Civil Removal Action"). During his deposition on October 31, 2017, and his testimony at a December 20, 2017, temporary removal hearing, Judge Egan swore he directed Ms. Mejia to call law enforcement for assistance because of and in response to Constable Jones' disruptive behavior. However, upon cross examination at the December 2017 hearing and during his testimony at the jury trial in the Civil Removal Action in April 2018, Judge Egan admitted that the Video Recording, which he acknowledged accurately depicted the events in question, does not show him requesting assistance or directing Ms. Mejia to call law enforcement when Constable Jones' behavior arguably became disruptive. When asked during trial by Constable Jones' attorney, "Somebody called to report a disturbance before Constable Jones even opened his mouth and said one word to you, isn't that correct?" Judge Egan answered, "That is correct."

Constable Jones eventually filed a criminal complaint against Judge Egan alleging he committed aggravated perjury during his testimony in the Civil Removal Action. On April 23, 2019, the Presiding Judge of the First Administrative Judicial Region, Judge Ray Wheless, appointed visiting Judge Michael Snipes to preside over the criminal case against Judge Egan in the 40th District Court and attorney Mike Howard was appointed Attorney Pro Tem. On May 20, 2020, Attorney Pro Tem Howard sent a memorandum to Judge Snipes stating that while it was his conclusion there was sufficient evidence to bring a case against Judge Egan before a grand jury for aggravated perjury, due to the imposition of COVID-19 restrictions and his own miscalculation of the relevant limitations period, he would not be pursuing criminal charges against Judge Egan.

Constable and Mrs. Jones filed a civil lawsuit against Judge Egan and others in *Melva Jones and Michael W. Jones v. Stephen A. Egan and Kristin Ortiz* (Case No. 97524) alleging Judge Egan knowingly perpetrated lies about Mrs. Jones which led to the termination of her employment and engaged in a scheme whereby he falsely reported to law enforcement that Constable Jones was causing a disturbance and then intentionally baited Constable Jones into a confrontation. The parties settled the lawsuit in 2020, with payments of \$50,000.00 to Mrs. Jones and \$200,000.00 to Constable Jones.

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 Stephen Egan was the Justice of the Peace, Precinct 4, Midlothian, Ellis County, Texas.
2. On August 16, 2017, Judge Egan terminated the employment of his court clerk, Melva Jones. Mrs. Jones was the wife of Ellis County Constable for Precinct 4, Mike Jones.
3. In terminating Mrs. Jones' employment, Judge Egan made statements to other court employees about Mrs. Jones that were not true, including that she had been the subject of an investigation by the County's Human Resources Department for allegedly creating a hostile work environment.

4. On August 17, 2017, Judge Egan was involved in an altercation with Mrs. Jones' husband, Constable Mike Jones, in their shared office space, which involved the intervention of law enforcement.
5. Judge Egan secretly recorded his interactions with Constable Jones on the date in question in the Video Recording.
6. The Video Recording shows Judge Egan began recording his movements before ever interacting with Constable Jones.
7. The Video Recording shows Judge Egan engaging in conduct likely to provoke an angry response from Constable Jones, namely repeatedly entering Constable Jones' private office to deposit Mrs. Jones' personal belongings on the floor.
8. The Video Recording shows that within moments of Constable Jones losing his temper and engaging in behavior that could be considered disruptive, law enforcement arrived on the scene.
9. Concluding no crime had been committed, the police officers left the building.
10. During the Civil Removal Action against Constable Jones, Judge Egan gave testimony in which he swore under oath that on the date in question, he directed his clerk to contact law enforcement because Constable Jones was causing a disturbance.
11. The Video Recording does not show Judge Egan requesting assistance and/or directing his clerk to contact law enforcement at or around the time Constable Jones began engaging in conduct that could arguably be considered disruptive.
12. As a result of his conduct during this incident, Judge Egan was the subject of a criminal investigation into whether he committed aggravated perjury.
13. Because of the events described herein, Judge Egan (and co-defendant, Kristin Ortiz) entered into a settlement agreement with Constable and Mrs. Jones whereby the Jones' received \$250,000.00 to settle their claims.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 3B(4) of the Texas Code of Judicial Conduct provides in relevant part that a judge shall treat those with whom the judge deals in a professional capacity with patience, dignity, and courtesy.
2. Article V, Section 1-a(6) of the Texas Constitution provides in relevant part that a judge shall not engage in willful and/or persistent conduct that casts public discredit upon the judiciary and/or the 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 the Honorable Stephan Egan should be publicly reprimanded and ordered to complete additional education for: (1) failing to treat Melva Jones with patience, dignity, and courtesy, when he made untrue statements to other court employees about Mrs. Jones being the subject of an investigation by the Ellis County Human Resources Department, in violation of Canon 3B(4) of the Texas Code of Judicial Conduct; (2) failing to treat Ellis County Constable Mike Jones with patience, dignity, and courtesy, when he provoked an altercation with Constable Mike Jones regarding Mrs. Jones'

termination, as a pretext for having summoned local law enforcement to the scene; and (3) engaging in willful conduct that cast public discredit upon the judiciary and the administration of justice when he gave sworn testimony in the Civil Removal Action about his interaction with Constable Jones on August 17, 2017, that was inaccurate and misleading, in violation of Article V, Section 1-a(6)A of the Texas Constitution.

Pursuant to this Order, Judge Egan must obtain **four (4) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2022. In particular, the Commission desires that Judge Egan receive this additional education in the areas of sensitivity and diversity training, human resources, and personnel management. 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 Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Egan.

Judge Egan shall complete the additional **four (4) 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 Egan'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 29th day of October, 2021.



David Hall
Chairman, State Commission on Judicial Conduct