



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 20-0511, 20-0618, 21-0201 & 22-0022

PUBLIC REPRIMAND

**HONORABLE ETTA MULLIN
DALLAS COUNTY CRIMINAL COURT No. 10
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on February 4 & 9-10, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Etta Mullin, Judge, Dallas County Criminal Court No. 10, Dallas, Dallas County, Texas. Judge Mullin was advised by letter of the Commission's concerns and provided written responses to the Commission's questions. Judge Mullin appeared before the Commission on February 9, 2022, and gave testimony.

BACKGROUND

Judge Mullin presides over a family violence docket. These complaints cover the time period from 2019 to 2021. Each Complainant alleged Judge Mullin caused excessive delays in courtroom proceedings, repetitive settings, and delays in disposition of cases, some of which were alleged to be punitive and in retaliation for attorneys' perceived infractions of Judge Mullin's obsessive and idiosyncratic procedures.

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

FINDINGS OF FACT

1. At all relevant times, the Honorable Etta Mullin was Judge of the Dallas County Criminal Court No. 10, Dallas, Dallas County, Texas.
2. From December 2019 until January 2020, Judge Mullin presided over Cause No. M1857731L, *State of Texas v. Timothy Paul Zorka*, (the "Zorka case").
3. During that time, Judge Mullin caused defendant, Timothy Zorka ("Zorka"), and his attorney excessive waiting times while in court and extra appearances, some of which were called by Judge Mullin *sua sponte* with short notice to the attorney and Zorka.

4. On July 11, 2019, Judge Mullin revoked Zorka's bail bond because Zorka's attorney failed to appear for a court setting.
5. On the date of Zorka's trial, and in open court, Judge Mullin accused Zorka's counsel of "playing games" and "being a consistent problem in court."
6. Judge Mullin presided over Cause No. M1921463, *State of Texas v. Raymond Tyrone Greer* (the "Greer case").
7. Attorney Ashkan Mehryari represented defendant, Raymond Greer ("Greer"), before Judge Mullin from December 2019 until January 2020.
8. On or about December 19, 2019, Mehryari and Greer appeared in court to request a pretrial and trial setting. Judge Mullin called the case, but because she required both attorneys to be present to set a case for trial, Mehryari and Greer waited for hours, repeatedly fetching the State's attorney only for Judge Mullin to have moved on with other cases.
9. Mehryari submitted a "pass slip" requesting the court notify him of the pre-trial and trial settings, which is now absent from the Clerk's Record.
10. Judge Mullin forfeited Greer's bond on December 30, 2019 for his failure to appear for a hearing for which he received no notice. The notice letter appearing in the Clerk's Record is not file-marked.
11. Judge Mullin was recused from the Greer case by Presiding Regional Judge Ray Wheless following a hearing on Mehryari's Motion to Recuse.
12. Judge Mullin presided over *State v. Matthew William Phillips*, Cause No. MA2134428 (the "Phillips case.")
13. Judge Mullin jailed defendant, Matthew Phillips ("Phillips"), on August 25, 2021 for violating a condition of his bond.
14. The Phillips case was set the following day for a hearing on a plea agreement. When Judge Mullin asked which case was next to be heard, Phillips' counsel responded that he had been there for two days. Judge Mullin then added electronic monitoring as a condition of Phillips probation.
15. Around 12:30 p.m. Judge Mullin announced she was recessing for a "judges' meeting" but did not announce when she would return. Judge Mullin later returned but soon recessed for lunch without calling the Phillips case.
16. Judge Mullin never called the Phillips case again that day, but instead, at around 4:30 p.m., reset the Phillips case, not for the next day, but for the following Monday, which required Phillips to be incarcerated for additional days.
17. In 2015, the Commission issued a Public Admonition to Judge Mullin as a result of several complaints that included, amongst other things, allegations regarding similar conduct by the judge with respect to her management of her docket and treatment of attorneys and litigants.¹
18. On appeal of the Commission's issuance of that Public Admonition, a Special Court of Review determined, amongst other things, Judge Mullin's docket management and treatment of attorneys and litigants appearing before her fell below the standards required by Canon 3B(4) of the Texas

¹ These complaints all referenced Judge Mullin's time as the presiding judge of Dallas County Criminal Court at Law No. 5, which she presided over from 2011 through 2014.

Code of Judicial Conduct. On October 21, 2015 the Special Court of Review issued a Public Reprimand to Judge Mullin in those matters.

RELEVANT STANDARDS

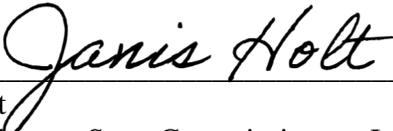
1. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”
2. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in 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....”
3. Canon 3B(5) of the Texas Code of Judicial Conduct prescribes, “A judge shall perform judicial duties without bias or prejudice.”

CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Etta Mullin, Judge, Dallas County Criminal Court No. 10, Dallas, Dallas County, Texas, should be publicly reprimanded for; (i) failing to treat the lawyers and/or defendants in the *Zorka*, *Greer*, and *Phillips* cases with patience, dignity, and courtesy by intentionally delaying hearings, resetting cases multiple times without just cause, and failing to effectively communicate her expectations about procedures and time constraints to waiting court-goers; and (ii) by repeatedly ignoring attorneys’ requests to obtain case settings or to dispose of their clients’ cases. Judge Mullin’s conduct in these respects violated Art. V, Sec. 1-a(6)A of the Texas Constitution and Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 4th day of March, 2022.



Janis Holt
Vice Chairman, State Commission on Judicial Conduct