



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-1309

PUBLIC REPRIMAND

**HONORABLE GENA SLAUGHTER
191ST CIVIL DISTRICT COURT
DALLAS COUNTY, TEXAS**

During its meeting on June 5-6, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Gena Slaughter, 191st Civil District Court Judge, Dallas County, Texas. Judge Slaughter was advised by letter of the Commission's concerns, but failed to provide a written response. Judge Slaughter was offered the opportunity to either accept a tentative sanction in lieu of an appearance or appear before the Commission for an informal hearing. Judge Slaughter failed to respond to the Commission's invitation and chose not to appear. 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 Gena Slaughter was the Judge of the 191st Civil District Court in Dallas County, Texas.
2. Dr. Ramana Jones and Carlos & Parnell, M.D., P.A. ("C&P") arbitrated a partnership dispute after Dr. Jones left C&P. After a five-day arbitration hearing, the arbitrator awarded nothing to C&P and awarded Dr. Jones: (a) \$265,000 for her shares of C&P, (b) \$74,126.91 for wages C&P withheld from 2009 through 2011 as shareholder loans, (c) attorney fees and costs, (d) pre- and post-judgment interest, and (e) the fees associated with the arbitration.
3. On May 5, 2015, approximately one month after the arbitration award was signed, Dr. Jones applied to Judge Slaughter to confirm the arbitration award.
4. On June 30, 2015, C&P moved to vacate the arbitration award, and on July 1, 2015, C&P amended its motion on July 1, 2015.
5. On October 6, 2015, Judge Slaughter conducted a hearing on both the motion to confirm and the motion to vacate.

6. Fifteen months later, on December 30, 2016, Judge Slaughter entered a final judgment denying C&P's motion to vacate and confirming the arbitration award. Judge Slaughter also awarded Dr. Jones attorney's fees and costs for the prosecution of the confirmation proceeding, as well as post-judgment interest and attorney's fees for appeals of the final judgment.
7. On January 30, 2017, C&P filed a motion requesting the judge either (a) order a new trial denying confirmation or (b) vacate or modify the arbitration award based on the following grounds: (i) the arbitrator exceeded his powers, (ii) the arbitrator evidenced partiality that prejudiced C&P's rights, and (iii) Judge Slaughter erred by awarding Dr. Jones attorney's fees for the prosecution of the confirmation of the arbitration award.
8. On March 10, 2017, Judge Slaughter heard C&P's motion, and granted it on March 15, 2017, thereby vacating the December 20, 2016 final judgment. The March 15 order declined to confirm the arbitration award and set the case back onto the court's trial docket.
9. On October 31, 2017, the Dallas Court of Appeals issued a memorandum opinion holding that Judge Slaughter erred in granting C&P's motion for new trial, reversed her decision in denying confirmation of the arbitration award, and rendered judgment for Dr. Jones. *Jones v. Carlos & Parnell, M.D., P.A.*, No. 05-17-00329-CV, 2017 Tex. App. LEXIS 10216, 2017 WL 4930896 (Tex. App.—Dallas Oct. 31, 2017, pet. denied) (mem. op., not designated for publication).
10. In the spring of 2018, Dr. Jones obtained a writ of execution to collect on the judgment, which was assigned to Officer Boling for execution. Officer Boling made demand at the offices of C&P on or about June 13, 2018.
11. Having received no response to the demand for payment, at approximately 10:00 a.m. on June 22, 2018, Officer Boling went to the offices of C&P to execute the writ.
12. That afternoon, Judge Slaughter sent an email to the Dallas County Constable's office with the following language:

Constable Boling is in possession of a Writ of Execution in DC15-5163 and has attempted to execute on it. Concerns have been raised because the Defendant subject to the Writ is a functioning ob/gyn office with patients in the office receiving care today. Because of these concerns, I have notified Constable Boling to stop executing the Writ and wait until I can confer with the attorneys for both parties. This email serves as notice that this Court is temporarily staying the execution of the writ.
13. On June 24, 2018, Attorney Kimberly Sims, counsel for Dr. Jones, stated in a letter brief that she received a voicemail from Greg Ackles, an associate with opposing counsel's law firm, that they were "going to seek relief from the Court" on June 22, 2018. However, Sims stated that she was never served with any motion or pleading requesting emergency relief and "did not receive a call or notice that opposing counsel was in fact communicating with the court that afternoon."
14. In her June 24 letter, Sims wrote: "[I]t appears that the Court, through an ex parte communication with Greg Ackels or someone from his firm, was told that Officer Boling was interfering with patient care in seeking to execute the writ."
15. On February 26, 2019, Commission Staff sent a letter of inquiry to Judge Slaughter's court regarding this matter. When Judge Slaughter did not respond to the letter of inquiry by the requested date, Staff contacted Judge Slaughter's court to inquire as to the status of her responses. The following day, Staff received a phone call from Judge Slaughter's court coordinator who

advised that the judge did not receive anything in the mail from the Commission. She requested that Staff send a copy of the materials to Judge Slaughter via a specified email address. Staff sent an email to Judge Slaughter at the address provided by her court coordinator with the letter of inquiry on April 3, 2019. No response was received.

RELEVANT STANDARDS

1. 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 “casts public discredit upon the judiciary or administration of justice.”
2. Section 33.001(b) of the Texas Government Code provides that “For the purposes of Section 1-a, Article V, Texas Constitution, ‘wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties’ includes: (1) wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business” and “(5) failure to cooperate with the commission.”
3. Rule 7 of the Texas Rules of Judicial Administration provides that a district judge shall “rule on a case within three months after the case is taken under advisement.”
4. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the matter of a pending or impending judicial proceeding.”

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Slaughter failed to timely execute the business of her court by failing to enter an order on the competing motions to either confirm or vacate the arbitration award for 15 months, in violation of Article V, Section 1-a(6)A of the Texas Constitution, Section 33.001(b)(1) of the Texas Government Code and Rule 7 of the Texas Rules of Judicial Administration. The Commission further concludes that Judge Slaughter engaged in a prohibited *ex parte* communication with opposing counsel that resulted in her issuing a temporary stay of a valid writ of execution because of the judge’s concerns about its execution during C&P’s office hours. The Commission further concludes that by failing to submit a response to Staff’s letter of inquiry, Judge Slaughter failed to cooperate with the Commission, in violation of Canon 2A of the Texas Code of Judicial Conduct, Section 33.001(b)(5) of the Texas Government Code and Article V, §1-a of the Texas Constitution. The Commission concludes that Judge Slaughter’s conduct, described above, constitutes a willful violation of Canons 2A and 3B(8) of the Texas Code of Judicial Conduct, Sections 33.001(b)(1) & (5) of the Texas Government Code and Rule 7 of the Texas Rules of Judicial Administration. Furthermore, these actions are clearly inconsistent with the proper performance of her duties as a judge and cast public discredit upon the judiciary and administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canons 2A and 3B(8) of the Texas Code of Judicial Conduct, Section 33.001(b)(1)&(5) of the Texas Government Code, Rule 7 of the Texas Rules of Judicial Administration, and Article V, §1-a(6)A of the Texas Constitution, it is the

Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable Gena Slaughter, Judge of the 191st Civil District Court in Dallas, Dallas 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 REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect the 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 11TH day of October, 2019.



Honorable David C. Hall, Chair
State Commission on Judicial Conduct