



NCSC
National Center for State Courts
Center for Judicial Ethics

Cases in which judges were disciplined for biased social media posts
Supplement to “Social Media and Judicial Ethics: Part I”
Judicial Conduct Reporter (Spring 2017)

“Geauxjudge” (Maggio, Arkansas)

Based on a “report not contested” filed by the Judicial Discipline and Disability Commission, the Arkansas Supreme Court removed a judge from office for, in addition to other misconduct, making inappropriate related to gender, race, and sex on a public on-line fan-site. *Judicial Discipline and Disability Commission v. Maggio*, 440 S.W.3d 333 (Arkansas 2014). (The Arkansas Supreme Court’s decision was based on the findings of the Judicial Discipline and Disability Commission. *Maggio*, Letter of suspension and removal from office (Arkansas Judicial Discipline and Disability Commission August 6, 2014) (<http://tinyurl.com/knbzl49>.) The judge admitted that he was the author of all “geauxjudge” posts on the web-site known as “tiger droppings,” a Louisiana State University sports fan forum page with many different subject forums for public comment. The Commission found that the judge’s comments on the fan-site were not anonymous, stating “it took little time once the posts were sorted to find numerous facts in the posts that proved” his actual identity. The Commission included a sample of the posts in its findings.

- From my years in the courtroom: 1) All women have an agenda. 2) Women look at 2 bulges on a man A) the front and/or B) the back (wallet). 3) As long as either one is big enough they can make do without the other.
- With the subject “Whats the BEST advice?” 3F Rule: If it Flies, Floats or F::ks . . . rent it.
- With the subject “Should you be able to legally beat up a friend caught sleeping with your wife?” His defense attorney can argue defense of wife/chattel He thought it was rape in progress. And Where are the pics???
- I have found the slender ones to go nuts at 40 right after the boob job.
- With the subject “Is racial profiling good or bad?”, It depends on if you are the profiler or the profile.
- With the subject, “story of an upset free mason,” What about Mexican masons???
- I mean that all I ever see laying bricks.
- With the subject, “Worse tattoo ever?” I have never understood why African americans just don’t use white ink in their tatoos.

- With the subject, “Has anyone ever dated an Indian chick?” Teepee or hotel
- With the subject, “Ever been to the Grand Canyon??” Let’s see you taking lady friends to Vegas and you want to see grand canyon??? OT ballers just gamble like Arabs, drink like Indians, and do the humpty-hump like rabbits. But hey you want to go and see the grand canyon. Go ahead.
- With the subject, “Baby names: where’s the line between creative and obvious?”, I do agree about names may not be predictors of future success but in reality. How many Doctors do you hear named Dr. Taneesha or HaHa? How many bankers do hear named Brylee?
- I have said it before. Names are not necessarily predictors of future success but the name picked does have an impact. Of course, I just saw Q’TUS cause he da cutest baby I has.
- With the subject “Guys, would you make out with another guy for a million?” You make a hole in one . . . Doesn’t make you a golfer. But make out with another guy . . . You a homo. You know I make a hole-in-one and it doesn’t make me a good golfer BUT you su*k on pecker or take in pooper . . . You are a homo/gay.
- With the subject “Vegas woman arrested for sex with pit bull”: How old was the dog? Hey look if you can have TGGLBS sex then it is just a small step to this. I wish I could say “I never.” But I once had a case where the couple argued over a German Shepard . . . for this reason.

The Commission stated that it would not reiterate all of the judge’s inappropriate comments but that others included jokes and posts about sex with bi-polar women, suggesting a gift of “lube, beer and blow” when for a wedding present, a reference to non-consensual “rodeo sex,” incest references, comparing sex with teachers to trophy hunting for teenage boys, and a remark that women make divorce decisions on “emotions” rather than business sense.

The Commission found that the judge’s statements violated Rule 3.1(C), which requires that, “when engaging in extrajudicial activities, a judge shall not . . . participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality,” in addition to other provisions in the code.

“Time for a tree and a rope . . .” (Oakley, Texas)

The Texas State Commission on Judicial Conduct publicly reprimanded a judge for posting, “Time for a tree and a rope . . .” on Facebook in response to the arrest of an African-American man for killing a police officer. *Amended Public Reprimand of Oakley and Order of Additional Education* (Texas State Commission on Judicial Conduct May 8, 2017) (<http://tinyurl.com/yb2lht96>). The Commission also ordered the judge to complete a 30-hour educational training program for new judges presented and 4 hours of instruction on racial sensitivity with a mentor chosen by the Commission.

On November 21, 2016, the San Antonio Police Department posted to its Facebook page a mugshot of Otis McKane, an African-American man, with the following statement:

Today at 1545 hrs. Otis Tyrone McKane was taken in custody for the capital murder of SAPD Det. Benjamin Marconi. The arrest was made by SAPD in a joint effort with multiple law enforcement agencies. The arrest was made without incident. The San Antonio Police Department would like to thank everyone who assisted in locating the suspect.

In response, the judge posted to the police department Facebook page the comment, "Time for a tree and a rope . . ." His comment, with the police department post, also appeared on his own Facebook page. The former editor of a local newspaper took a screen shot of the judge's Facebook post and disseminated it to the news media. The judge removed the post and issued a public apology, describing his comment as "harsh," "off-the-cuff," and "curt," but denying it had anything to do with race. The judge and his post became the subject of negative media attention locally, nationally, and internationally.

The Commission received 18 written complaints about the judge's Facebook post. The complainants expressed numerous concerns, including the call for vigilante justice, the apparent disregard for due process of law, the influence the comment could have on the potential jury pool, and the racial insensitivity of the post. Multiple complainants also questioned the judge's suitability for judicial office and his ability to perform his judicial duties impartially.

Asked by the Commission to explain the intent and context of his Facebook post, the judge responded, "My comment was intended to reflect my personal feelings that this senseless murder of a police officer should qualify for the death penalty. In my mind the race/gender of the admitted cop killer was not relevant." The judge explained that a "tree and a rope" was a reference to a humorous advertising campaign for Pace Picante Sauce salsa from the 1980s. The judge does not believe his conduct cast discredit on the judiciary because the "media stories were promoted as a political attack" and his words were twisted into "phrases [and] headlines that were not accurate."

At his appearance before the Commission, the judge testified that he had not attended the training offered by the Texas Association of Counties for new judges. Also during the appearance, the judge made statements that indicated to the Commission that he could benefit from racial sensitivity training with a mentoring judge.

The Commission found that the judge's post "cast reasonable doubt on his capacity to act impartially in the performance of his duties" and was "willful conduct that cast public discredit on the judiciary and the administration of justice."