



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-0468

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE MARK LUITJEN
SENIOR DISTRICT JUDGE, SITTING BY ASSIGNMENT
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on August 5-6, 2020, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Mark Luitjen, Senior District Judge, Sitting by Assignment, San Antonio, Bexar County, Texas. Judge Luitjen was advised by letter of the Commission's concerns and provided a written response.

BACKGROUND

On August 7, 2019, Judge Luitjen dealt with a docket in which he magistered several "illegal aliens," or undocumented immigrants. After closing the docket, Judge Luitjen was reviewing paperwork in the courtroom while court was in recess and engaged in a conversation with court reporter Mona Arevalos about the shooting that had occurred in El Paso the previous weekend, and the different phrases that were used to refer to Mexican citizens in discussions or news stories regarding the shooting. Analyssa Solano, a Bexar County Pretrial Bond Officer, made an incident report regarding this conversation in which she indicated that court staff had informed her Judge Luitjen's comments that day included the statement, out loud and in front of the courtroom, "Things were easier back then when we called them [English and Spanish derogatory slurs for undocumented immigrants from Mexico]."

In his written responses to the Commission, Judge Luitjen stated he and Ms. Arevalos discussed political correctness in today's "hyper-sensitive environment," and that "what was appropriate yesterday can be scandalous today." Further, the judge disputed Ms. Solano's characterization of his statement to

Ms. Arevalos, clarifying what he actually said as, “It was much easier in the old days when **they** used to call them all [English and Spanish derogatory slurs for undocumented immigrants from Mexico].”

Judge Luitjen explained that he was talking about how people referred to undocumented immigrants in the past and that he has never used those slurs to refer to anyone. The judge acknowledged that “today” those terms are considered inappropriate slurs, but when he was in high school, they were not. Other people were present in the courtroom when Judge Luitjen made the statement, including court staff, and some attorneys and defendants.

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 Mark Luitjen was a Senior District Judge, Sitting by Assignment, in San Antonio, Bexar County, Texas.
2. On August 7, 2019, while in the courtroom after completing magistration of several undocumented immigrants, Judge Luitjen engaged in a conversation with court reporter Mona Arevalos and made a statement in which he mentioned the English and Spanish derogatory slurs that have been used in the past to refer to undocumented immigrants from Mexico.
3. Judge Luitjen used the actual English and Spanish derogatory slurs in his statement to Ms. Arevalos.
4. Judge Luitjen’s comments were made in the courtroom, in public, while other court staff, attorneys and defendants were still in the courtroom.
5. In a subsequent news article regarding the matter, Judge Luitjen apologized to anyone that may have been offended by his remarks.

RELEVANT STANDARD

Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful...conduct that...casts public discredit upon the judiciary...”

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 Mark Luitjen, Senior District Judge, Sitting by Assignment, San Antonio, Bexar County, Texas, should be publicly admonished and ordered to obtain additional education for the use of derogatory slurs in the courtroom while others were present, willful conduct that cast public discredit upon the judiciary in violation of Article V, Section 1-a(6)A of the Texas Constitution.

Pursuant to this Order, Judge Luitjen must obtain **2 hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Luitjen receive this additional education in the area of racial sensitivity training. 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 Luitjen.

Judge Luitjen shall complete the additional **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 Luitjen's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **2 hours** of education described herein, Judge Luitjen shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

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 December, 2020.



David Hall
Chairman, State Commission on Judicial Conduct