



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 21-0178

PUBLIC REPRIMAND

**HONORABLE ELIA CORNEJO LOPEZ
FORMER 404TH DISTRICT JUDGE
BROWNSVILLE, CAMERON COUNTY, TEXAS**

During its meeting on February 7, 2024, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Elia Cornejo Lopez, Former 404th District Judge, in Brownsville, Cameron County, Texas. Judge Lopez was advised by letter of the Commission's concerns and did provide a written response. Judge Lopez appeared before the Commission on October 2, 2024, and gave testimony.

After considering the evidence before it, the Commission enters the following findings and conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Elia Cornejo Lopez, was a judge of the 404th District Court, in Brownville, Cameron County, Texas.
2. Judge Lopez presided over *Adam T. Garcia, Jr. vs. Jasmine B Cuellar*, Case No. 2012-DCL-07509 (the "Garcia Case"), a family law case regarding the modification of the parent-child relationship.
3. On October 1, 2020, Reynaldo Garza ("Garza"), attorney for Jasmine Cuellar, filed a Motion to Recuse Judge Lopez from the Garcia Case. On October 2, 2020, Garza filed an Amended Motion to Recuse in the Garcia Case.
4. In both, the Motion to Recuse and the Amended Motion to Recuse, Garza alleged that Judge Lopez should be recused "because her impartiality can reasonably be questioned in this matter, and she has a personal bias or prejudice against the subject matter such that recusal is necessary. Judge

Lopez and her staff [Court Coordinator Sandra Betancourt] have interjected themselves into the litigation in a manner inconsistent with the role of the judiciary.”

5. On October 6, 2020, Judge Lopez issued a Ruling on Motion to Recuse in which she recused herself from the Garcia Case but responded to the allegations Garza alleged in the Motion to Recuse and the Amended Motion to Recuse.
6. In her 120-page Ruling on Motion to Recuse, Judge Lopez made very personal and disparaging statements about Garza which included, but not limited to, that Garza was mentally ill and corrupt and that he violated attorney-client privilege. Also, Judge Lopez provided information regarding other cases that Garza was the attorney that she believed were examples to support her statements about Garza.
7. On October 6, 2020, Judge Lopez *sua sponte* recused herself from five other cases¹ in which Garza was the attorney representing a party by filing her Ruling on Motion to Recuse that she issued in the Garcia Case.
8. Later, on October 6, 2020, Garza filed an Agreed & Unopposed Emergency Motion to Seal with Judge Missy Medary, Presiding Judge of the 5th Judicial Administrative Region, asking that Judge Lopez’s Ruling on Motion to Recuse filed in the Garcia Case and the other five cases be sealed. Garza asserted that the Ruling on Motion to Recuse should be sealed because Judge Lopez’s response was irrelevant to the issues in the Garcia Case, served no legal purpose and appeared to be aimed at causing harm to Garza.
9. On that same day, Garza also filed an Agreed & Unopposed Emergency Motion to Seal the Motion to Recuse and Amended Motion to Recuse with Judge Medary. Garza stated he wanted both the Motion to Recuse and the Amended Motion to Recuse to be sealed because of reasons that impact the continuing litigation between the parties’ and the parties’ desire to move forward in the litigation unencumbered by any issues associated with recusal in the Garcia Case.
10. On October 7, 2020, Judge Medray issued an Order on Motion to Seal the Ruling on Motion to Recuse and an Order on Motion to Seal the Motion to Recuse and Amended Motion to Recuse granting both Motions to Seal.
11. In her written response and testimony before the Commission, Judge Lopez stated she filed the Ruling on Motion to Recuse in the other cases involving Garza because she was explaining the reason why she was *sua sponte* recusing herself from those cases where Motions to Recuse were not filed, and that she did not want her impartiality to be questioned in Garza’s other cases.
12. Judge Lopez testified she signed an order granting the motion to recuse for the Garcia Case, but stated the Ruling on Motion to Recuse was accidentally filed in the Garcia Case.²

RELEVANT STANDARDS

1. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall be patient, dignified and courteous to litigants, jurors], witnesses, lawyers and other with whom the judge deals in an official capacity, ...”

¹ The five cases that Judge Lopez recused from where: Case Nos. 2015-DCL-04769, 2020-DCL-02321, 2020-DCL-02373, 2020-DCL-02842 & 2020-DCL-03499.

² According to the Register of Action in the Garcia Case, the only order regarding the Motion to Recuse and the Amend Motion to Recuse was the Ruling on Motion to Recuse.


2. 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.”

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Elia Cornejo Lopez, Former Judge of the 404th District Court, in Brownsville, Cameron County, Texas, should be publicly reprimanded for: (1) failing to be patient, dignified and courteous towards Garza when she purposefully made very personal and disparaging statements about Garza in a response to the motions to recuse in the Garcia Case; and (2) willfully filed the response to the motions to recuse in the Garcia Case and five other cases in which Garza represented a party for the purpose of *sua sponte* recusing herself from those cases. Judge Lopez’s failure in this respect constituted willful or persistent conduct that is clearly inconsistent with the proper performance of her duties and cast public discredit upon the judiciary or the administration of justice, in violation of Canon 3B(4) of the Texas Code on Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a(8) of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 9 day of October, 2024.



Gary Steel
Chairman, State Commission on Judicial Conduct