



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 23-0186

PUBLIC REPRIMAND

**HONORABLE FRANKLIN BYNUM
COUNTY COURT AT LAW NO. 8
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on February 1-3, 2023, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Franklin Bynum, County Court at Law No. 8, Houston, Harris County, Texas. Judge Bynum was advised by letter of the Commission's concerns and provided a written response. Judge Bynum appeared before the Commission on June 7, 2023, 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 Franklin Bynum, was a judge of County Court at Law No. 8, in Houston, Harris County, Texas.
2. On September 6, 2022, Judge Bynum filed his response to the Request for Order of Suspension of Judge by the State Commission on Judicial Conduct.¹
3. In his response, Judge Bynum described that on June 4, 2020, the Harris County District Attorney's Office ("HCDAO") filed motions to recuse him in 84 of the 87 cases in his court because of an email requiring Assistant District Attorneys to appear personally in his court during jail docket during the COVID-19 Pandemic.

¹ The State Commission on Judicial Conduct filed a Notice of Formal Proceeding and a Request for Order of Suspension of Judge regarding Judge Bynum on July 5, 2022 in CJC Nos. 20-1415 & 21-0679. On August 8, 2024, the Commission filed a Notice of Nonsuit and withdrew its request for the appointment of another Special Master with the Texas Supreme Court. On August 30, 2024, the Texas Supreme Court dismissed all pending motions as moot and closed the proceeding.

4. Judge Bynum contacted Regional Presiding Judge Susan Brown for guidance as he did the previous day when the HCDAO filed motions to recuse him in 72 cases. According to Judge Bynum, “Her tone had shifted from confused and sympathetic the day before to outright hostile. She said that she had spoken to Chief Justice Nathan Hecht and that he was ‘furious’ and ‘wants you off the bench.’”
5. Judge Bynum also filed a Motion to Recuse Chief Justice Hecht from ruling on the Request for Order of Suspension of Judge because he believes Chief Justice Hecht is a fact witness to the matter raised by the Commission.²
6. Presiding Judge Brown refutes Judge Bynum’s allegations that a conversation occurred between her and Chief Justice Hecht or that she told him that Chief Justice Hecht stated he wanted Judge Bynum off the bench.
7. Judge Bynum denies he made a false statement regarding Presiding Judge Brown and Chief Justice Hecht in his response. Judge Bynum claims that based on Section 10c of the Supreme Court of Texas 17th Emergency Order Regarding the COVID-19 State of Disaster³, Presiding Judge Brown, “following the rule, would have notified the office of the Chief Justice when the local district attorney alleged a judge was conducting court proceedings against the directive of the emergency order.”
8. On September 7, 2022, the Houston Chronicle published an article regarding Judge Bynum’s response to the Formal Proceeding and Request for Order of Suspension of Judge entitled, “*Judge likens suspension legal battle to ‘second job’ as Texas Supreme Court considers his removal.*” In the article, Judge Bynum reiterated his allegation that Presiding Judge Brown had a conversation with Chief Justice Hecht regarding wanting him off the bench and filing a recusal motion against Chief Justice Hecht.
9. In his testimony before the Commission, Judge Bynum restated that Presiding Judge Brown did tell him about her conversation with Chief Justice Hecht. Also, Judge Bynum provided a statement from Sarah Wood, General Counsel of the Harris County Public Defender’s Office which included a picture of text messages where Judge Bynum texted Ms. Wood, “I’m overloaded with work. nathan hecht is threatening to file a judicial complaint for making the DA appear tomorrow”.

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...”

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 Franklin Bynum, judge of the County Court at Law No. 8, Houston, Harris County, Texas, should be publicly reprimanded for his false statements

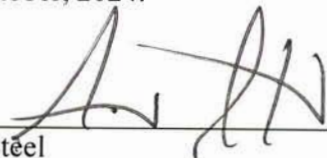
² On June 21, 2023, the Texas Supreme Court denied Judge Bynum’s Motion to Recuse.

³ Section 10c provides, “Pursuant to Sections 74.046 and 74.047 of the Texas Government Code, the Regional Presiding Judges are assigned the following duties: ...report to the office of the Chief Justice of the Supreme Court any proceedings that are being conducted in the regions-and the court in which the proceedings are being conducted-that are inconsistent with the Court’s Orders and the guidance issued by the Office of the Court Administration; ...

regarding an alleged conversation between Regional Presiding Judge Susan Brown and Chief Justice Nathan Hecht in his response to the SCJC's Request for Order of Suspension of Judge which constituted willful conduct that clearly cast public discredit upon the judiciary or the administration of justice, in violation of 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 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