



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-1426

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE ROBERT RICHTER
MUNICIPAL COURT JUDGE
MISSOURI CITY, FORT BEND COUNTY, TEXAS**

During its meeting on December 4-5, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Robert Richter, Municipal Court Judge, Missouri City, Fort Bend County, Texas. Judge Richter was advised by letter of the Commission's concerns and provided a written response. Judge Richter appeared before the Commission on October 5, 2020 and gave testimony.

BACKGROUND

On or about March 13, 2017, Attorney Paul Kubosh filed a letter of representation on behalf of a traffic court defendant in Judge Richter's court. The case was set for jury trial on February 15, 2018. The day before the trial, Attorney Kubosh filed a motion for continuance. The motion was denied by Presiding Judge Debra Champagne. No attorney appeared for the defendant on February 15, 2018.

The same day, Judge Richter signed an order holding Attorney Kubosh in contempt for failing to appear and ordering that Kubosh be held in jail for one day and fined \$100, and he also issued a show cause order setting a hearing for March 1, 2018, to determine if Attorney Kubosh should be held in contempt for failing to appear. Kubosh was never personally served with either the order of contempt or the show cause order, and did not appear for the March 1, 2018 show cause hearing.

On March 8, 2018, Judge Richter signed an arrest warrant for Attorney Kubosh to be brought to court *instanter* to answer the offense contempt of court but the warrant was not

accompanied by an affidavit or written complaint filed under oath. Attorney Kubosh filed a motion to vacate the arrest warrant, which was granted on March 29, 2018.

During his appearance before the Commission, Judge Richter stated he made a mistake and acknowledged he should have had Kubosh personally served with the order of contempt and the show cause order. He further acknowledged he issued an arrest warrant without an accompanying affidavit or a written complaint under oath.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Robert Richter was Municipal Court Judge, Missouri City, Fort Bend County, Texas.
2. Attorney Paul Kubosh was set to appear for jury trial on behalf of a traffic court defendant in Judge Richter's court, on February 15, 2018, and his motion for continuance of that setting was denied by Presiding Judge Debra Champagne.
3. Neither Attorney Kubosh, nor any other attorney, appeared on behalf of the defendant on February 15, 2018.
4. That same day, Judge Richter entered an order holding Attorney Kubosh in contempt for failing to appear and ordering that he be held in jail for one day and fined \$100, and also issued a show cause order setting a hearing for March 1, 2018, to determine if Attorney Kubosh should be held in contempt for failing to appear.
5. Attorney Kubosh was never personally served with either the order of contempt or the show cause order, and ultimately failed to appear for the March 1, 2018 show cause hearing.
6. On March 8, 2018, Judge Richter signed an arrest warrant for Attorney Kubosh to be brought to court *instanter* to answer to the offense of contempt of court, but the warrant was not accompanied by an affidavit or written complaint filed under oath.
7. Attorney Kubosh filed a motion to vacate the arrest warrant, which was granted on March 29, 2018.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 2A of the Texas Code of Judicial Conduct, states, in pertinent part: "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states in relevant part: "A judge should be faithful to the law and shall maintain professional competence in it."
3. Section 21.002(d) of the Texas Government Code, states "[a]n officer of a court who is held in contempt by a trial court shall, on proper motion filed in the offended court, be released on his own personal recognizance pending a determination of his guilt or innocence. The presiding judge of the administrative judicial region in which the alleged contempt occurred shall assign a judge who is subject to assignment by the presiding judge other than the judge of the offended court to determine the guilt or innocence of the officer of the court."

CONCLUSION

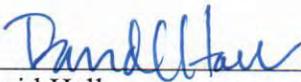
Based upon the record before it and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Robert Richter Municipal Court Judge, Missouri City, Fort Bend County, Texas, should be publicly admonished and ordered to obtain additional education for failing to comply with the law and for failing to maintain professional competence in the law regarding his improper use of contempt proceedings with respect to Attorney Paul Kubosh, in violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Richter must obtain **2 hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Richter receive this additional education in the areas of contempt proceedings generally, and specifically, contempt proceedings applicable to officers of the court. 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 Richter.

Judge Richter 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 Hall's responsibility to contact the assigned mentor and schedule the additional education.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a of the Texas Constitution, in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 28 day of October, 2020.



David Hall
Chairman, State Commission on Judicial Conduct