United States Court of Appeals
Fifth Circuit
FILED
October 20, 2026
Thomas B. Plunkett, III
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90196

IN RE COMPLAINT IDENTIFIED BY CHIEF CIRCUIT JUDGE JENNIFER WALKER ELROD AGAINST UNITED STATES DISTRICT JUDGE ADA E. BROWN, NORTHERN DISTRICT OF TEXAS, UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

Before ELROD, *Chief Circuit Judge*, GRAVES, *Circuit Judge*, and MOSES, *Chief District Judge*.

PER CURIAM:

I.

By order dated October 16, 2026, the Special Committee notified Judge Brown that it had determined that it was necessary to interview her regarding the allegations in the above-captioned complaint. Pursuant to 28 U.S.C. § 353(c) and Rule 13(a) of the Rules for Judicial-Conduct and Judicial-Proceedings (JC&D Rules), Judge Brown was ordered to appear in person before the Committee on Friday, October 30, 2026. The order listed the rights Judge Brown would be afforded in connection with the interview, including the right to be represented by counsel, to testify under oath and on the record, to compel the attendance of witnesses or the production of documents, to present oral and documentary evidence, and to present argument orally and in writing.

In an e-mail sent at about 1:26 a.m., on October 17, 2026, Judge Brown responded to the Committee's October 16 order stating that she "decline[s] to take part in any of these proceedings" in reference to either complaint against her, that she has "waived all confidentiality," and that she tendered certain orders "to the press to become public." Judge Brown attached to her e-mail several confidential documents related to this proceeding and an earlier JC&D proceeding filed against Judge Brown on May 14, 2026. Judge Brown also attached copies of documents under seal from two seemingly unrelated attorney-discipline matters in the Northern District of Texas. The Committee has since learned that Judge Brown sent these documents to approximately 140 judges, lawyers, and members of the press.

II.

The Committee first addresses Judge Brown's statement declining to participate in this JC&D process.[1] The Committee urges Judge Brown to reconsider her decision not to participate. Failure to cooperate and comply with this Committee's orders, without good cause shown, may result in the Committee expanding the scope of the investigation to include an inquiry into whether such refusal constitutes misconduct under JC&D Rule 4(a)(5).

The Committee also points out that Judge Brown has previously requested certain rights in connection with the complaint proceedings pending against her, including the right to give testimony under oath and the ability to subpoena witnesses and documents. The Committee's October 16 order has provided Judge Brown with these rights. The Committee implores Judge Brown to exercise these rights and comply with the Committee's investigation. If she refuses, the Committee must proceed with its obligation to file a report of its investigation, including findings and recommendations for action by the Fifth Circuit Judicial Council, without the benefit of Judge Brown's response.

[1] The Committee notes that Judge Brown was previously invited to respond to the complaint in this matter but has so far declined to do so.

In her e-mail, Judge Brown stated that participating in JC&D proceedings before this Committee "will necessarily compromise a parallel investigation outside the jurisdiction of the Fifth Circuit that directly involves Chief Judge Elrod and that includes the same subject matter, the same facts, the same evidence, and the very same witnesses." Judge Brown has previously mentioned such an investigation. To date, the Committee is unaware of what investigation Judge Brown is referring to. The Committee previously asked Judge Brown to provide clarifying information about any such investigation, and she did not do so.

III.

The Committee next addresses Judge Brown's decision to disseminate confidential JC&D materials and seemingly unrelated attorney-discipline materials that were under seal. Materials related to JC&D proceedings are "confidential and shall not be disclosed by any person in any proceeding" unless "such disclosure is authorized in writing by the judge who is the subject of the complaint *and by the chief judge of the circuit*." 28 U.S.C. § 360(a)(3) (emphasis added). At the time Judge Brown disclosed the complaint-related documents, Chief Judge Elrod had not authorized such disclosure.[2]

Furthermore, a review of the dockets in the attorney-discipline matters revealed that two of the documents disclosed by Judge Brown are sealed pursuant to court orders entered by other district judges. These attorney-discipline materials also appear to be unrelated to the complaints pending against Judge Brown before the Committee.

[2] In response to Judge Brown's unilateral waiver of confidentiality, Chief Judge Elrod also agrees to waive confidentiality as to *In re Complaint Identified by Chief Circuit Judge Jennifer Walker Elrod Against United States District Judge Ada E. Brown, Northern District of Texas, Under the Judicial Improvements Act of 2002*, Complaint No. 05-26-90196. *See* JC&D Rule 23(b)(7); 28 U.S.C. § 360(a)(3).

IV.

The Special Committee has determined that certain information from Judge Brown is necessary to its investigation of the allegations in the above-captioned complaint. Pursuant to 28 U.S.C. § 353(c), IT IS ORDERED that Judge Brown respond to the following questions in writing by 5:00 p.m. on Tuesday, October 27, 2026:

1. On multiple occasions you have referenced the pendency of a parallel investigation as a basis for your refusal to participate in complaint proceedings. Please specify the parallel investigation(s) to which you refer, including the subject of the investigation(s), the individual or entity conducting the investigation(s), and why such investigation(s) constitute good cause for your refusal to participate in the Committee's investigation.

2. You disclosed confidential materials related to JC&D proceedings pending against you. Please provide the reason(s) for such disclosure and the authority, if any, under which such disclosure was authorized.

3. You disclosed sealed court documents. Were you aware that such documents were sealed? If so, under what authority, if any, was such disclosure authorized? What relevance, if any, do the sealed documents have to the JC&D proceedings pending against you? If they are not relevant, what was the purpose of your disclosure?

Your response should be submitted via e-mail to Garrett Cain, General Counsel, at garrett_cain@ca5.uscourts.gov.

Refusal to comply with this order without good cause shown may result in the Special Committee seeking to expand the scope of the investigation to include an inquiry into whether such refusal constitutes misconduct under JC&D Rule 4(a)(5).

IT IS FURTHER ORDERED that a copy of this order be posted to the Fifth Circuit's website forthwith.