

Supreme Court of Texas

Misc. Docket No. 26-9038

Order Directing Withdrawal of Courtroom Policy Requiring Face Masks

1. Under Texas Rule of Judicial Administration 10(f), “The Supreme Court may direct a court to amend or withdraw a local rule, form, or standing order if the Supreme Court determines that the rule, form, or standing order” fails to comply with statewide rules of procedure or “is unfair or unduly burdensome.”
2. As explained in more detail below, the Court has concluded that requiring or in any way pressuring those present in a Texas courtroom to wear face masks interferes with the conduct of judicial proceedings and is an unfair and unduly burdensome imposition on parties, lawyers, jurors, court staff, and the public. The Court directs the Honorable D’Metria Benson, Dallas County Court at Law No. 1, to withdraw any order or policy to this effect.
3. On May 4, 2026, Dallas attorney Scott Frenkel submitted a complaint to the Presiding Judge of the First Administrative Judicial Region, the Honorable Ray Wheless. The complaint alleged that the Honorable D’Metria Benson requires those entering her courtroom to wear face masks and divulge intimate information about their health. Judge Wheless informed the Court that he has cautioned Judge Benson against such a policy.
4. Upon learning of the allegations, the Chief Justice invited Judge Benson to clarify her policy, informed her that the Court will consider whether to require withdrawal of any such policy under Rule 10(f), and asked her to provide any further information she would like the Court to consider.
5. Judge Benson confirmed that she generally requires those present in her courtroom to wear face masks while they are not speaking. She denied that she requires divulgence of health information or requires heightened health screenings of any kind. Judge Benson indicated that she maintains a face mask requirement on the advice of her doctor for the protection of her own health, which is compromised. The Court appreciates Judge Benson’s candid and helpful responses.

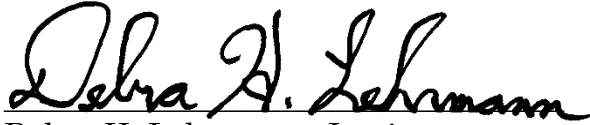
6. The Court has carefully considered Judge Benson's responses and expresses its sympathy for her health challenges. Nevertheless, the facial visibility of courtroom participants is an essential feature of a properly functioning justice system. In addition, public access to courtrooms, to the extent reasonably possible, is essential to our justice system. *See* TEX. CONST. art. I, § 13. Moreover, requiring all those present in a publicly accessible workplace to wear face masks to accommodate one person's health vulnerability is not the kind of reasonable measure contemplated by state or federal employment laws. In the absence of a major public health emergency, requiring face masks in a courtroom—or using the court's power to pressure courtroom attendees to wear face masks—unduly interferes with essential functions of the Texas judiciary and is otherwise an unfair and unduly burdensome imposition on those present in a courtroom. *See also* Tex. Health & Safe Code § 81C.002(a). The Court disapproves of any such policy in any Texas courtroom.
7. Pursuant to Rule 10(f), the Court hereby directs Judge Benson to immediately withdraw her face mask requirement. This order does not prohibit Judge Benson from taking reasonable precautions to protect her health, including wearing a mask herself or taking other steps to mitigate any risk to her health, so long as those precautions do not impose undue burdens on others or on the proper functioning of the court. Judge Benson is encouraged to consult the Office of Court Administration for guidance and assistance on reasonable measures to minimize health risks.
8. Requests for further consideration of this matter should be directed first to the Honorable Ray Wheless, Presiding Judge of the First Administrative Judicial Region.

It is so ordered.

May 29, 2026.



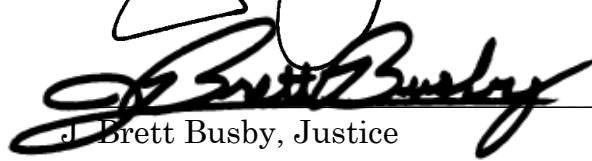
James D. Blacklock, Chief Justice



Debra H. Lehmann, Justice



John P. Devine, Justice



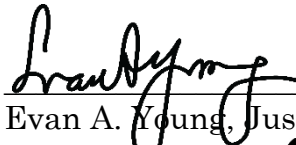
J. Brett Busby, Justice



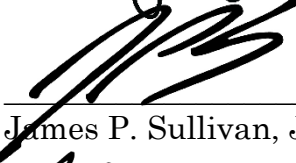
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice