



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**IN RE: HONORABLE JOEL PATRICK BAKER  
SMITH COUNTY JUDGE  
TYLER, SMITH COUNTY, TEXAS  
CJC Nos. 16-0626-CO & 16-0910-CO**

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**VOLUNTARY AGREEMENT TO RESIGN FROM  
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

**WHEREAS** at all times relevant hereto, the Honorable Joel Patrick Baker was the duly elected County Judge in Tyler, Smith County, Texas; and

**WHEREAS** until March 4, 2016, Judge Baker served as the county judge member of the State Commission on Judicial Conduct and, at the time of the Commission's February 2016 meeting, was Vice Chair of the Commission; and

**WHEREAS** on March 23, 2016, the Commission initiated an investigation (CJC No. 16-0626-CO) into allegations that Judge Baker engaged in willful and persistent violations of the Texas Code of Judicial Conduct and conduct that cast public discredit upon the Commission, the Texas judiciary, and the administration of justice, when Judge Baker exchanged sexually graphic messages, photos, and videos with a woman while he was in Austin in his official capacity as Vice Chair and member of the Commission attending the February 10-12, 2016, Commission meeting and again while he was in College Station during the week of February 15-18, 2016, attending a judicial education conference in his official capacity as Smith County Judge; and

**WHEREAS** during the course of the Commission's investigation into the allegations raised in CJC No. 16-0626-CO, it was further alleged that Judge Baker failed to cooperate with the Commission by (a) failing to timely produce requested records and evidence; (b) deleting information from his social media account and from his cell phone before donating the phone to charity; (c) failing to provide complete and candid testimony in response to the Commission's inquiries; and (d) attempting to influence the testimony of a witness; and

**WHEREAS** on June 21, 2016, after Judge Baker was indicted by a grand jury on three counts of violating the Texas Open Meetings Act, the Commission opened CJC No. 16-0910-CO and issued an Order suspending the judge from office, without pay; and

**WHEREAS** no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matters; and

**WHEREAS** the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Baker; and

**WHEREAS** the parties to this Agreement are desirous of resolving this matter without the time and expense of further disciplinary proceedings; and

**IT IS THEREFORE AGREED** that Judge Baker, by signing this Agreement, agrees that he will be considered to have officially, formally, and permanently resigned from the office of Smith County Judge, with an effective date of the earlier of either November 4, 2016 or at such time as the proceedings in the open meetings criminal case (Cause Number 114-0839-16) have ended, and is entering into this Agreement to resolve the above-referenced complaints in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Baker in connection with the above-referenced matters.

**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Baker shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or exercising any judicial duties or functions of a judicial officer, including but not limited to the performance of wedding ceremonies.

**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Baker would constitute 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 in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

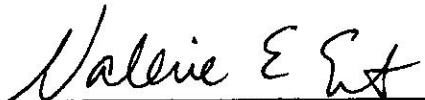
**IT IS FURTHER AGREED** that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Baker, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

**IT IS FURTHER AGREED** that Judge Baker, by his execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the complaints referenced above.

**AGREED TO AND ACCEPTED** upon its execution by the parties.

**SIGNED BY:**

  
\_\_\_\_\_  
HON. JOEL PATRICK BAKER

  
\_\_\_\_\_  
HON. VALERIE E. ERTZ, CHAIR  
STATE COMMISSION ON JUDICIAL  
CONDUCT

Date: 9-20-16

Date: 9-22-16

**APPROVED AS TO FORM:**

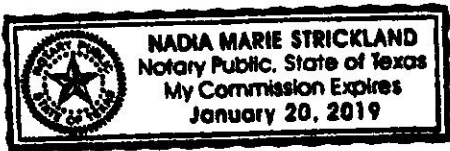
By:   
\_\_\_\_\_  
ATTORNEY FOR JUDGE BAKER

**VERIFICATION**

State of Texas                   §  
County of Smith               §

**BEFORE ME**, the undersigned authority, on this day personally appeared **JOEL PATRICK BAKER**, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

**SWORN TO BEFORE ME**, on this the 28<sup>th</sup> day of September, 2016.



*Nadia Marie Strickland*  
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NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS