



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**IN RE: JUDGE MICHAEL JACKSON MYERS  
JUSTICE OF THE PEACE, PRECINCT 2  
FORNEY, KAUFMAN COUNTY, TEXAS  
(CJC Nos. 01-0486-JP and 02-0347-JP)**

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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 §§33.001(b) and 33.032(h) of the Texas Government Code.

**WHEREAS** on March 1, 2001, a complaint (CJC No. 01-0486-JP) was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Michael Jackson Myers, Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, and

**WHEREAS** on November 14, 2001, a complaint (CJC No. 02-0347-JP) was filed with the Commission containing allegations of judicial misconduct against Judge Myers, and

**WHEREAS** on or about February 21, 2002, in connection with CJC No. 02-0347-JP, the Commission received an affidavit (hereinafter the "February 21, 2002 Sworn Complaint") from Roger Rountree, the Executive Director of the Texas Justice Court Training Center, confirming the allegations of misconduct raised in CJC No. 02-0347-JP (a true and correct copy of the February 21, 2002 Sworn Complaint is attached hereto as Exhibit A), and

**WHEREAS** on March 11, 2002, in connection with CJC No. 02-0347-JP, the Commission notified Judge Myers, through his attorney, that a suspension hearing would be held on April 11, 2002 at the Commission offices in Austin, Texas, and

**WHEREAS** on or about March 13, 2002, in connection with CJC No. 01-0486-JP, the Commission received an affidavit (hereinafter the "March 13, 2002 Sworn Complaint") from Kaufman County Judge Wayne Gent confirming certain of the allegations of misconduct raised in CJC No. 01-0486-JP (a true and correct copy of the March 13, 2002 Sworn Complaint is attached hereto as Exhibit B), and

**WHEREAS** on March 14, 2002, in connection with CJC No. 01-0486-JP, the Commission notified Judge Myers, through his attorney, that a suspension hearing would be held on April 11, 2002 at the Commission offices in Austin, Texas, and

**WHEREAS** on April 11, 2002, Judge Myers appeared before the Commission and gave testimony concerning the allegations of judicial misconduct raised in the aforementioned complaints, and

**WHEREAS** on April 23, 2002, in connection with the disability issues raised in CJC No. 01-0486-JP, the Commission voted to initiate formal proceedings against Judge Myers pursuant to Article 5, §1-a(6)B of the Texas Constitution and to recommend to the Supreme Court of Texas that Judge Myers be suspended, without pay, until further action by the Commission, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, and

**WHEREAS** on April 23, 2002, in connection with the judicial education issue raised in CJC No. 02-0347-JP, the Commission recommended to the Supreme Court of Texas that Judge Myers be suspended, without pay, until further action by the Commission, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, and

**WHEREAS** on May 9, 2002, in connection with both complaints, the Supreme Court of Texas ordered the immediate suspension of Judge Myers, without pay, pursuant to its authority under Article 5, §1-a(6) of the Texas Constitution, and

**WHEREAS** no Notice of Formal Proceedings has been filed by the Examiner against Judge Myers in connection with CJC No. 01-0486-JP, and

**WHEREAS** no Findings of Fact or Conclusions of Law have been made in connection with CJC No. 01-0486-JP, and

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

**WHEREAS** the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

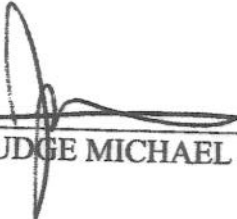
**IT IS THEREFORE AGREED** that Judge Myers, upon the signing of this Agreement, shall resign his judicial office in lieu of disciplinary action by the Commission, pursuant to §§33.001(b) and 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Myers in connection with the above-referenced complaints and that it shall recommend to the Supreme Court of Texas that the aforementioned suspensions against Judge Myers be lifted.


**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Myers shall be disqualified from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or, performing or exercising any judicial duties or functions of a judicial office in the State of Texas.

**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Myers 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 Article 5, §1-a(6)A of the Texas Constitution and §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 Myers, 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.

AGREED TO AND ACCEPTED upon its execution by the parties.


  
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JUDGE MICHAEL JACKSON MYERS

  
\_\_\_\_\_  
Chair  
State Commission on Judicial Conduct

Date: 05-29-02

Date: 6/25/02

AGREED AS TO FORM ONLY:

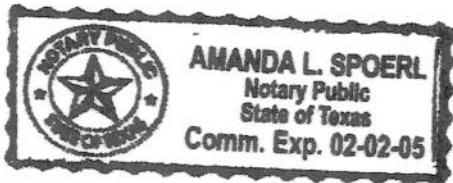
  
\_\_\_\_\_  
Robert Provan, Attorney for Judge Myers


VERIFICATION

State of Texas §  
County of Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL JACKSON MYERS, 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.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 29<sup>th</sup> day of May, 2002.



  
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NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

**AFFIDAVIT OF ROGER ROUNTREE**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

BEFORE ME, the undersigned notary public, personally appeared Roger Rountree and upon his oath duly sworn testified as follows:

“I am over the age of 18, have never been convicted of a felony and have personal knowledge of all facts stated herein.

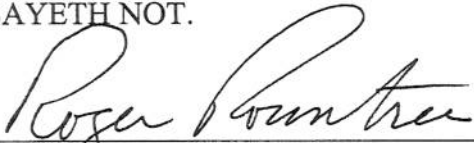
I am the Executive Director for the Texas Justice Court Training Center. As part of my duties, I ensure judges’ compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas, a copy of which is incorporated by reference and made a part of this affidavit.

Judge M. Jackson Myers, Justice of the Peace, Precinct 2, of Forney, Kaufman County, Texas, is not in compliance with Rule 3a(2) of the Rules of Judicial Education for fiscal year 2001.

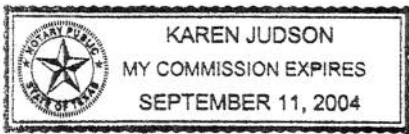
Judge Myers completed   0   hours out of the 20 required hours of education for fiscal year 2001.

Judge Myers was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2001.”

FURTHER AFFIANT SAYETH NOT.

  
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Roger Rountree  
Executive Director, Texas Justice Court Training Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 21 day of February, 2002.



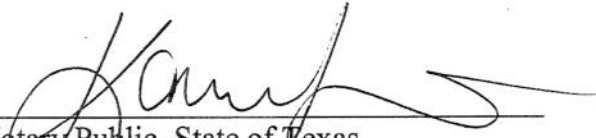
  
\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT   A

AFFIDAVIT OF  
JUDGE JAMES WAYNE GENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF KAUFMAN §

BEFORE ME, the undersigned notary public, personally appeared the Honorable James Wayne Gent and upon his oath duly sworn testified as follows:

"I am over the age of 18, have never been convicted of a felony and have personal knowledge of all facts stated herein.

I am the County Judge in Kaufman, Kaufman County, Texas.

In January 2001, Judge M. Jackson Myers, Justice of the Peace in Precinct 2, Forney, Kaufman County, Texas, took a leave of absence from his duties as judge due to a medical illness. After January 9, 2001, Judge Myers provided the County with a doctor's report advising of his illness and temporary disability. In his January 9<sup>th</sup> letter, Judge Myers requested that the effective date of his leave of absence be January 22, 2000. I believe that Judge Myers made a typographical error and meant the effective date to be January 22, 2001.

On or about January 22, 2001, attorney David Asbill of Forney, Texas was appointed to serve as the temporary judge for Precinct 2 during Judge Myers' absence. Judge Asbill served in this capacity for approximately two (2) months.

Following Judge Asbill's appointment, Judge Myers contacted me requesting to return to work. Judge Myers returned to work, but left again after two (2) weeks. Judge Myers provided a second doctor's report advising the County that Judge Myers would not be able to work for an indefinite period of time. When David Asbill indicated that he no longer wished to serve as temporary judge, I appointed Don Cates to act as temporary judge for Precinct 2. Judge Cates continues to hold that position as of this date.

In October 2001, while implementing a new budget plan for the County, I contacted Judge Myers for an update on his medical condition and to inquire as to when he would be returning to work. Judge Myers advised the County, through another doctor's report, that he still would be unable to fulfill his duties as a judge.

Since January 2001, Judge Myers has not performed any judicial functions. Judge Myers' term of office expires on December 31, 2002. Judge Myers remains on the County payroll, collecting a salary and receiving benefits, until the end of his term. Since January 2001, at an additional cost to the County, temporary judges have been appointed to handle all judicial responsibilities for Precinct 2.

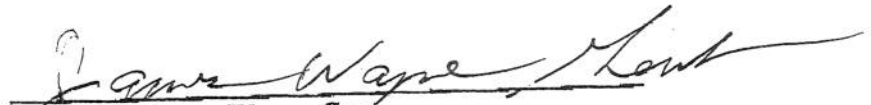
EXHIBIT

B

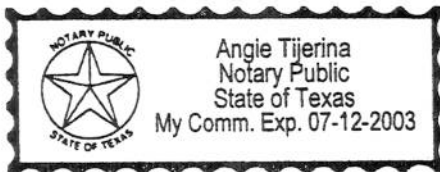
Although Judge Myers has been approached in the past about resigning his position, he refuses to do so because he does not want to lose his medical benefits.

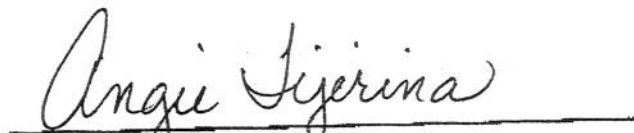
The facts stated in this document are within my personal knowledge and are true and correct."

**FURTHER AFFIANT SAYETH NOT.**

  
Honorable James Wayne Gent  
County Judge, Forney, Kaufman County, Texas

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 13<sup>th</sup> day of March, 2002.



  
Notary Public, State of Texas

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