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STATE COMMISSION
ON JUDICIAL CONDUCT

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE MARY W. HART
MUNICIPAL COURT JUDGE
WHITE DEER, CARSON COUNTY, TEXAS
(CJC No. 02-0344-MU)**

**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 November 14, 2001, a complaint was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Mary W. Hart, Municipal Court Judge for the City of White Deer, Carson County, Texas, and

WHEREAS on or about March 11, 2002, in connection with the above-referenced matter, the Commission received an affidavit (hereinafter the "March 11, 2002 Sworn Complaint") from Hope Lochridge, the Executive Director of the Texas Municipal Courts Education Center, confirming the allegations of misconduct raised in the original complaint (a true and correct copy of the March 11, 2002 Sworn Complaint is attached hereto as Exhibit A), and

WHEREAS on or about March 12, 2002, the Commission notified Judge Hart that a suspension hearing would be held on April 10, 2002 at the Commission offices in Austin, Texas, and

WHEREAS on or about March 25, 2002, Judge Hart notified the Commission that she would be unable to attend the suspension hearing, and

WHEREAS on April 25, 2002, the Commission recommended to the Supreme Court of Texas that Judge Hart 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, the Supreme Court of Texas ordered the immediate suspension of Judge Hart, 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 Hart in connection with the above-referenced matter, and

WHEREAS no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matter, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, would result in further disciplinary action against Judge Hart, 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 Hart, upon the signing of this Agreement, shall resign her 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 Hart in connection with the above-referenced matter and that it shall recommend to the Supreme Court of Texas that the aforementioned suspension against Judge Hart be lifted.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Hart 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 Hart would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of her 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 Hart, 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 her by any court or tribunal.

AGREED TO AND ACCEPTED upon its execution by the parties.



JUDGE MARY W. HART



Chair
State Commission on Judicial Conduct

Date: 11-1-02

Date: 12-05-02

VERIFICATION

State of Texas §
County of Carson §

BEFORE ME, the undersigned authority, on this day personally appeared MARY W. HART, who by me being first duly sworn, on her 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 her understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 1st day of November, 2002.



Anita L. Haiduk
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS