



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**IN RE: HONORABLE JO KINCAID  
FORMER JUSTICE OF THE PEACE, PCT. 3, PL.1  
SALT FLAT, CULBERSON COUNTY, TEXAS  
CJC No. 14-0792-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 Section 33.032(h) of the Texas Government Code.

**WHEREAS** at all times relevant hereto, the Honorable Jo Kincaid was Justice of the Peace, Pct. 3, Pl.1 in Salt Flat, Culberson County, Texas, and

**WHEREAS** the Commission received a complaint alleging that Judge Kincaid improperly issued a "Notice of Default Judgment" without holding a hearing or providing proper notice to all parties in the suit, and failed to provide the parties with a final, enforceable or appealable judgment in the case.

**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 Kincaid, and

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

**IT IS THEREFORE AGREED** that Judge Kincaid, by executing this Agreement, affirms that she has resigned her judicial office 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 Kincaid in connection with the above-referenced matters.

**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Kincaid 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 the performance of wedding ceremonies.

**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Kincaid 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 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 Kincaid, 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.

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

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

*Hon Jo Kincaid*

HON. JO KINCAID

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HON. STEVEN L. SEIDER, CHAIR  
STATE COMMISSION ON JUDICIAL  
CONDUCT

Date: *May 18, 2015*

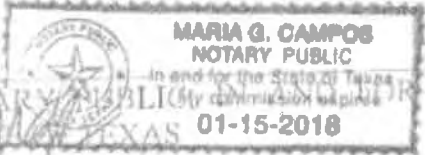
Date: *June 18, 2015*

**VERIFICATION**

State of Texas §  
County of Culberson §

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

**SWORN TO BEFORE ME**, on this the *18<sup>th</sup>* day of *May*, 2015.

 **MARIA G. CAMPOS**  
**NOTARY PUBLIC**  
In and for the State of Texas  
NOTARY PUBLIC (City commission expires)  
STATE OF TEXAS **01-15-2018** THE