



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

---

**IN RE: INQUIRY CONCERNING JUDGE 98  
(HONORABLE HILARY HARMON GREEN)**

---

**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 Hilary Harmon Green ("Judge Green") was the duly elected Justice of the Peace for Precinct 7, Place 1, in Harris County, Texas; and

**WHEREAS** on or about June 18, 2015, the Commission initiated an investigation (CJC No. 15-0846-JP) based on allegations made by Judge Green's then husband, Ronald Green during the pendency of their divorce, which were stated in an article in the Houston Chronicle; and

**WHEREAS** on or about January 6, 2016, the Commission received a complaint from Judge Green's former lover Claude Barnes (CJC No. 16-0393-JP); and

**WHEREAS** on or about May 3, 2017, the Commission initiated Formal Proceedings against Judge Green (a true and correct copy of which is attached as Exhibit A hereto); and

**WHEREAS** Judge Green denies these allegations, and does not admit guilt, fault or liability regarding the matters contained in the allegations and complaints referenced herein; and

**WHEREAS** on or about March 27, 2018, Judge Green tendered her resignation to the Honorable Ed Emmett, Harris County Judge, effective March 27, 2018; 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 Green; and

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

**IT IS THEREFORE AGREED** that Judge Green 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 Green in connection with the above-referenced matters, as well as any other pending complaints against Judge Green.

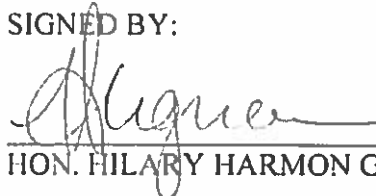
**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Green shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or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

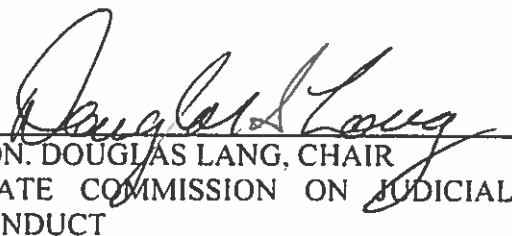
**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Green would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A 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 Green, 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.

SIGNED BY:


  
HON. HILARY HARMON GREEN

  
HON. DOUGLAS LANG, CHAIR  
STATE COMMISSION ON JUDICIAL  
CONDUCT

Date: 4/9/18

Date: 4-18-18

**APPROVED AS TO FORM:**

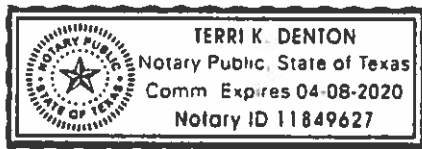
By:   
ATTORNEY FOR JUDGE GREEN  
4/9/18

VERIFICATION

State of Texas §  
County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared HILARY HARMON GREEN, 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.

SWORN TO BEFORE ME, on this the 9<sup>th</sup> day of April, 2018.



*Terril Denton*  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

# Exhibit A



**FILED**

Clerk of the Commission

BEFORE THE STATE COMMISSION 5/3/17 In Re Judge No. 98  
ON JUDICIAL CONDUCT ERIC VINSON

**INQUIRY CONCERNING A JUDGE**

**No. 98**

**NOTICE OF FORMAL PROCEEDINGS**

**TO THE HONORABLE HILARY GREEN, JUSTICE OF THE PEACE FOR  
PRECINCT 7, PLACE 1, HOUSTON, HARRIS COUNTY, TEXAS:**

Pursuant to TEXAS GOVERNMENT CODE Section 33.022 and RULE 10 OF THE TEXAS PROCEDURAL RULES FOR THE REMOVAL OR RETIREMENT OF JUDGES, this Notice is hereby given to the Honorable Hilary Green, Justice of the Peace for Precinct 7, Place 1, Houston, Harris County, Texas ("Judge Green"), that formal proceedings have been instituted against her by the State Commission on Judicial Conduct, based upon the following:

**FACTUAL ALLEGATIONS**

1. At all times relevant hereto, the Honorable Hilary H. Green was a Justice of the Peace for Precinct 7, Place 1, in Houston, Harris County, Texas.
2. Judge Green was appointed by the Harris County Commissioner's Court and sworn in on June 20, 2007. She was re-elected to the bench in 2008, 2012, and 2016.

**The 2014 Sworn Representations to the Commission**

3. On September 4, 2012, Al Vera ("Vera") filed a complaint with the State Commission on Judicial Conduct (the "Commission") against Judge Green for failing to recuse herself from all cases involving Dwayne Jordon ("D. Jordon") (CJC No. 13-0005-JP). Vera's complaint was based on an August 18, 2012, Houston Chronicle article citing personal and financial ties between Judge Green, her husband Ronald Green ("R. Green"), and D. Jordon.
4. On October 25, 2012, Ezekel Jordan ("E. Jordan") filed a complaint against Judge Green for failing to recuse herself in an eviction case involving D. Jordon (CJC

No. 13-0195-JP).<sup>1</sup> E. Jordan alleged Judge Green had a personal relationship with D. Jordon requiring her recusal.

5. In March of 2014, Judge Green provided sworn responses to the Commission's Letter of Inquiry into these matters (the "2014 Responses"). Question 2 asked her to "describe the nature and extent of your relationship, if any, with Dwayne K. Jordan [sic]." Judge Green's response included the following statements:

*Once the renovations to our home were completed, I had no interaction with Dwayne Jordon, except for one time in 2009, or 2010, when my son was invited to a birthday party for Dwayne Jordon's son.... Other than this one event, I have had no contact with Dwayne Jordon outside of Court.*

6. In response to a separate question asking Judge Green to provide the Commission "with any additional information...that you believe to be relevant to this matter," Judge Green included the following statement:

*Please be assured that any relationship with Dwayne Jordon and E. Jordon, Inc. was limited to the renovation of my house on Parkwood Drive. Other than as mentioned above, I have had no further business or social relationship with Dwayne Jordon or E. Jordon, Inc. since that transaction was concluded.*

7. Based on Judge Green's sworn representations in her 2014 Responses, the Commission dismissed the complaints relating to Judge Green's relationship with D. Jordon at their meeting in June of 2014.

#### **The Commission's June 2015 Complaint**

8. In June of 2015, the Commission initiated a complaint against Judge Green based on a May 16, 2015, Houston Chronicle article concerning allegations brought up in her divorce from Ronald Green. (CJC No. 15-0846-JP). These allegations included claims that Judge Green was a longtime drug addict who abused prescription pills, and that she had provided untruthful testimony to the Commission.

#### **Claude Barnes' Allegations**

9. On January 6, 2016, Claude Barnes ("Barnes"), whom Judge Green admitted to having an affair with from February 2009 to October 2015, filed a complaint against Judge Green (CJC No. 16-0393-JP). He alleged he helped her illegally

---

<sup>1</sup> Judge Green received a third complaint from Complainant Michael Williams who alleged Judge Green had a personal relationship with Millie R. Lott that required her recusal from an eviction case (CJC No. 13-0006-JP). He claimed Judge Green should not have presided over a case involving Ms. Lott, a real estate agent who sold Judge Green and her husband their home in 2002.

purchase Tussionex<sup>2</sup> on the black market. Barnes also alleged that he consumed ecstasy and marijuana with Judge Green. He further alleged Judge Green's court officers took marijuana from a detainee in her courtroom and gave it to her. Barnes also alleged that he and Judge Green paid for sex with prostitutes on two separate occasions.

10. On May 24, 2016, Barnes provided the Commission with a sworn affidavit stating that Judge Green obtained Tussionex and marijuana from her courtroom bailiff. In his affidavit, Barnes stated that when he told her that doing so was "not smart," Judge Green told him that she and the bailiff "were being very careful" not to text "anything that anyone could understand" because they would use code words in their text messages like "nuts and bolts" to describe Tussionex and "cookie dough" for cocaine.
11. Barnes stated Judge Green and he used the code word "skittles" for ecstasy, which they obtained and used three times and Judge Green paid for on two occasions.
12. Barnes also stated Judge Green admitted to him that she and a state senator used cocaine together.
13. In the sworn affidavit, Barnes also stated that he and Judge Green hired prostitutes on two occasions. He stated they used the website Backpage.com, and Judge Green paid a woman in Houston \$150 for sexual services. Barnes stated he and Judge Green also hired a prostitute in Austin, and Judge Green paid her \$200 for her services.
14. On June 8, 2016, Barnes was deposed by Commission staff as well as Judge Green's attorney. Barnes testified that he had been in a sexual relationship with Judge Green between 2010 and 2015. In addition to the other allegations cited in his affidavit, he testified that Judge Green told him that one of her court personnel took marijuana "off a kid in her courtroom."

#### **The Commission's September 2016 Inquiries**

15. On September 23, 2016, the Commission sent two Letters of Inquiry to Judge Green concerning the allegations. The first Letter of Inquiry ("QJ-1") included substantive questions about Judge Green's drug use in addition to her history with D. Jordon, her bailiff, and Barnes, as well as questions about the accuracy of her previous sworn testimony to the Commission in 2014. The second Letter of Inquiry ("QJ-2") included questions designed to determine whether a judge might

---

<sup>2</sup> Tussionex is a prescription medication used to treat coughs and other symptoms caused by the common cold or allergies. It contains a combination of hydrocodone and chlorpheniramine (an antihistamine). See <http://www.webmd.com/drugs/2/drug-55110/tussionex-oral/details>.

be a candidate for participation in the Texas Lawyers Assistance Program (“TLAP”) for a substance abuse issue.

16. Responses to both Letters of Inquiry were originally due October 24, 2016, and extended by agreement to November 14, 2016.

#### **Judge Green’s Incomplete and Delayed Responses to the 2016 Inquiries**

17. On November 14, 2016, Judge Green sent a letter to the Commission without specifically responding to either QJ-1 or QJ-2. Citing her ongoing divorce and custody battle, Judge Green wrote that she “respectfully decline[s] to answer the Commission’s written questions at this time.” Instead, she indicated “it is my hope that my comments below, in narrative form, will offer some perspective relative to the allegations brought against me...”

18. With respect to her use and abuse of prescription cough medicine, Judge Green’s letter represented that she “began periodically to rely on prescription cough medicine” in 2009. Without specifying whether or not she had stopped using cough medicine, Judge Green wrote that she “sought medical treatment and intense counseling, and participated in self-help programs” without specifying any particular treatment, counselor, or program.

19. Judge Green’s letter did not comment on either her relationship with D. Jordon or her bailiff, nor did she address her consumption of marijuana or ecstasy.

20. On November 21, 2016, Judge Green submitted written responses to QJ-2, but did not respond to QJ-1. In her responses to QJ-2, Judge Green failed to answer multiple questions relating to her alleged drug use and alleged treatment. Judge Green expressly refused to undergo a psychological evaluation, if requested by the Commission. She also failed to provide her medical records for the past five years to the Commission, as requested.

21. The Commission met on December 7-8, 2016, to consider the evidence against Judge Green. At the time, the two Letters of Inquiry (QJ-1 and QJ-2) had been pending for seventy-five days and were twenty-three days overdue as to the extended deadline of November 14, 2016.

22. Rather than take any specific disciplinary action at its December meeting, the Commission instead invited Judge Green to appear for a suspension hearing in February of 2017, where the Commission would consider whether to recommend to the Supreme Court that Judge Green be suspended from office.

23. The Commission sent Judge Green a subpoena to appear before the Commission on February 8, 2017.



### **Judge Green's Response to Substantive Questions (Feb. 2017)**

24. On February 2, 2017, at 8:58 p.m., Judge Green's counsel submitted written responses to QJ-1 to the Commission. At that point, QJ-1 had been pending for one hundred thirty-two days, was one hundred and one days late as to the original October 24, 2016, deadline and eighty days late as to the extended deadline of November 14, 2016.
25. Judge Green provided medical records and affidavits from some, but not all, of her medical providers. She provided medical records of Dr. Henderson and Dr. Berry. However, she did not provide medical records from Dr. Robert Hilliard, Dr. Cynthia McNeil, Dr. Melanie Parks or any of the emergency room doctors who gave her prescriptions for Tussionex. Judge Green did not provide a single copy of a Tussionex prescription, valid or otherwise, to the Commission.

### **Judge Green Clarifies her Relationship with Jordon**

26. In her 2017 responses to QJ-1, Judge Green confirmed that she understood at the time she provided her responses to the Commission's 2013 inquiry, her answers were "made under oath, subject to penalty of perjury." She also described her original response to Question 2 of the 2013 Letter of Inquiry regarding her relationship with D. Jordon as "incomplete."
27. Judge Green indicated that her memory was "refreshed" through the discovery obtained in her divorce, including D. Jordon's deposition testimony. Based on this refreshing of her recollection, Judge Green stated that she "realize[d] that [she] had more interactions with Mr. Jordon than [she] originally recalled and indicated in my response to the 2013 Questions."
28. Judge Green's 2017 responses to QJ-1 indicated that she had attended the funeral for D. Jordon's grandfather in 2009.
29. Judge Green's 2017 responses to QJ-1 also described a specific encounter with D. Jordon in which he introduced her to Dr. Cynthia McNeil, an Ob-Gyn. Judge Green had failed to include that information in her 2014 Responses. In the second response to QJ-1, Judge Green stated:

*On another occasion, I recall when we were renting the house on Charleston Street in Houston, Texas, I was walking my son in the neighborhood. At that time, I was not feeling well. Mr. Jordon and a friend of his, Dr. Cynthia McNeil, were visiting on our street. Mr. Jordon introduced me to Dr. McNeil – we had a personal conversation about her performing a tubal ligation for me and what that would entail. She noticed I wasn't feeling well and called in a prescription for antibiotics and Tussionex for me.*

30. Nonetheless, Judge Green maintained that the character of her relationship with D. Jordon was generally consistent with the representation she made to the Commission in 2014:

*The nature of my relationship with Mr. Jordon at the time I responded to the 2013 Questions was that of a former contractor, and an acquaintance, meaning a person who was, for a short period of time, in my presence due to the fact that his company renovated our home and he was the general contractor on the renovation. He is not a close friend or even a friend of mine.*

#### **Judge Green's Activities with Claude Barnes**

31. Judge Green's 2017 Responses to QJ-1 confirmed she had a sexual relationship with Claude Barnes from February of 2009 to October of 2015.
32. Judge Green's 2017 Responses to QJ-1 stated Barnes provided her with Tussionex "three to four times" between 2010 and 2013. She stated she paid him in cash for the drugs, and was physically present during two of the transactions, which took place "at a gas station on the southwest side of Houston."
33. Judge Green's 2017 Responses to QJ-1 stated Barnes provided her with marijuana "four or five times" between 2010 and early 2014.
34. Judge Green's 2017 Responses to QJ-1 stated Barnes provided her with ecstasy "two times" between 2009 and 2011.

#### **Judge Green's Activities with Courtroom Staff**

35. Judge Green's 2017 Responses to QJ-1 indicated that she engaged in sexually explicit communications with her bailiff between October 16, 2013, and March 25, 2014.
36. Judge Green's 2017 Responses to QJ-1 stated she asked her bailiff to help her obtain Tussionex, for which she was willing to pay \$500.
37. Judge Green's 2017 Responses to QJ-1 stated she engaged in text message communication with her bailiff using code words such as "bolts and screws" or "cookie dough" for Tussionex. Judge Green stated she gave \$500 to her bailiff to purchase Tussionex.
38. Judge Green's February 2, 2017, submission in response to QJ-1 included an affidavit from her bailiff that referenced some (but not all) of the issues in the Commission's Letter of Inquiry, QJ-1. The affidavit only addressed the inappropriate sexual texting relationship between the bailiff and Judge Green. The affidavit did not address Judge Green's attempts to obtain Tussionex or other illegal substances through the bailiff. The affidavit also did not address the

allegation that the bailiff confiscated drugs from a defendant in Judge Green's courtroom and gave them to her.

39. During its investigation, the Commission obtained additional information which appears to further implicate Judge Green regarding inappropriate conduct and communications with Courthouse staff.

#### **Judge Green's Testimony Before the Commission**

40. On February 8, 2017, Judge Green appeared with counsel and testified before the Commission.

41. During her appearance, Judge Green provided the following testimony:

- She asked D. Jordon to pick up her Tussionex prescription medicine about "three to four" times between 2008 and 2009.
- She did not receive a medical examination or pay Dr. McNeil for her medical opinion.
- Although she did not have any subsequent follow-up visits with Dr. McNeil, she stated that Dr. McNeil called in prescriptions for Tussionex for her.
- She started misusing Tussionex in 2009 to help her sleep at night after it was prescribed to her, and used the Tussionex "at night almost every night" in 2009.
- She acquired Tussionex "quite a few" times by prescription, but did not get "30 prescriptions in four years."
- She did not use Tussionex continuously for the entire four years.
- She "doctor-shopped" and used "two or three" other doctors in addition to Dr. Robert Hilliard, her Ob-Gyn, and Dr. McNeil over the four-year-period to obtain prescriptions.
- Dr. Melanie Parks prescribed multiple medications for her, including Tussionex, between 2009 and 2013.<sup>3</sup>

---

<sup>3</sup> Dr. Melanic Parks was arrested in August of 2016 for one count of conspiracy to unlawfully distribute controlled substances. She was accused of running an illegal pain management clinic.

- She never took more than one dose of Tussionex in a twenty-four hour period. However, in response to questioning by the Commission, she indicated that she had increased her dosage of Tussionex to achieve the same effect, saying “I probably did at some point start taking it more.”
- She weaned herself off of Tussionex by “taking less and less and less” in 2013 or 2014.
- She sought assistance from Dr. Kimberly Henderson<sup>4</sup> and Dr. Marilu Berry<sup>5</sup> to stop taking the drug, as she was suffering from withdrawal symptoms including nausea, dehydration, restlessness and depression.
- Both Dr. Henderson and Dr. Berry diagnosed her with “misuse of medication” rather than an addiction to prescription cough medicine.
- She last used Tussionex in 2013.<sup>6</sup>
- She has seen Dr. Berry continuously since April of 2014, during which time the doctor appeared to be making regular notes of their meetings.
- She is unable to explain why the medical records provided to the Commission relating to her treatment with Dr. Berry do not include any visits between September of 2014 and December of 2016.
- She consistently maintained that her “misuse” of Tussionex had no effect on her professional life.

---

She still faces a 2014 charge of conspiracy to commit healthcare fraud. See <http://abc13.com/news/doctor-apprehended-in-dea-bust-appears-in-court/1484991/>.

<sup>4</sup> In her affidavit, Dr. Kimberly Henderson describes herself as an Anesthesiologist and Pain Management Specialist.

<sup>5</sup> In her affidavit, Dr. Marilu Berry describes herself as a licensed psychologist who specializes in treating patients with depression, stress, anxiety, grief, relationship problems, pain and other medical problems.

<sup>6</sup> The affidavit of Dr. Henderson provided by Judge Green states that Judge Green came to her in March of 2014 for help ending her usage of Tussionex. Similarly, Dr. Berry’s affidavit states that Judge Green was suffering from withdrawal symptoms in April of 2014.

- She never paid for marijuana or ecstasy, but admitted that she used each of these substances with Claude Barnes on more than one occasion.
- That, with respect to her courtroom bailiff, she had “not taken any action to have him removed or reassigned” from her courtroom despite the fact she had previously participated in extensive sexualized text messaging and tried to purchase drugs from him.
- The bailiff in question remains assigned to her Court.

42. During her testimony, Judge Green acknowledged that, as a Justice of the Peace, she sat in judgment of litigants in her courtroom for engaging in the same type of behavior in which she was engaging:

Q. You also are involved in cases involving misdemeanor, class C misdemeanors. Correct?

A. Absolutely.

Q. Okay.

A. Yes.

Q. And some of those cases would involve drugs. Correct?

A. Yes. Minors in possession, yes.

Q. Sure, minors in possession. And so I’m just thinking you’re the judge and here you are abusing drugs. And you are sentencing people, fine -- fining them. You are taking away if you didn’t driver’s license if you had that jurisdiction, maybe not in your court. But you’re making those decisions as a judge.

A. Right.

Q. And judging these people for the crimes that they have committed and yet you were committing that same crime.

A. Yes, ma’am.

### RELEVANT STANDARDS

1. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that “Any Justice or Judge of the courts established by the Constitution or created by the Legislature may be removed from office, disciplined, or censured for “incompetence in performing the duties of office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with

the proper performance of duties or casts public discredit upon the judiciary or the administration of justice.”

2. Section 33.001(b) of the Texas Government Code provides, in relevant part, that, for purposes of Section 1-a, Article V of the Texas Constitution, “willful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties,” includes “willful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct” or “failure to cooperate with the commission.”
3. Canon 2A of the Texas Code of Judicial Conduct provides that, “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
4. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in relevant part, that “A judge should be faithful to the law and shall maintain professional competence in it.”
5. Canon 4A(2) of the Texas Code of Judicial Conduct provides, in relevant part, that, “A judge shall conduct all of the judge’s extrajudicial activities so they do not interfere with the proper performance of judicial duties.”

## CHARGE I

Judge Green’s conduct, which includes, without limitation, intentionally or knowingly possessing a controlled substance, Tussionex, without a prescription;<sup>7</sup> intentionally or knowingly possessing a controlled substance, ecstasy, without a prescription;<sup>8</sup> facilitating the purchase of a controlled substance, Tussionex, without a prescription;<sup>9</sup> possessing marijuana;<sup>10</sup> knowingly offering to engage in sexual

---

<sup>7</sup> Texas Health and Safety Code Sect. 481.115: A person commits an offense if the person knowingly or intentionally possess a controlled substance listed in Penalty Group 1, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice. An offense under this subsection starts at a state jail felony, depending on the aggregate weight of the drug.

<sup>8</sup> Texas Health and Safety Code Sect. 481.116: A person commits an offense if the person knowingly or intentionally possess a controlled substance listed in Penalty Group 2, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.

<sup>9</sup> Texas Penal Code sect. 15.02: A person commits criminal conspiracy if, with intent that a felony be committed, he agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense, and he or one or more of them performs an overt act in pursuance of the agreement.

<sup>10</sup> Texas Health and Safety Code sect. 481.121: A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.

conduct based on the payment of a fee;<sup>11</sup> and knowingly engaging in sexual conduct based on the payment of a fee:<sup>12</sup>

- Constitutes a willful violation of the Code of Judicial Conduct, incompetence in the performance of her duties, and willful or persistent conduct that is clearly inconsistent with the proper performance of her duties and casts public discredit on the judiciary and the administration of justice, in violation of Article V, § 1-a(6)A of the Texas Constitution;
- Demonstrates a failure to comply with the law in violation of Canon 2A of the Texas Code of Judicial Conduct;
- Demonstrates a failure to conduct all of her extrajudicial activities so they do not interfere with her proper performance of her judicial duties, in violation of Canon 4(A)(2).

## CHARGE II

Judge Green's conduct, which includes, without limitation:

- (a) Failing to cooperate with the Commission investigation for the 2013 complaints (CJC Nos. 13-0005 and 13-0195); failing to disclose her entire relationship with D. Jordon in the 2014 Responses to the Commission's Letter of Inquiry into these matters; concealing her misuse of Tussionex from the Commission; concealing her possession and consumption of ecstasy from the Commission; and concealing her possession and consumption of marijuana from the Commission; and
- (b) Failing to cooperate with the Commission investigation for the 2015 and 2016 complaints (CJC Nos. 15-0846 and 16-0393); failing to timely answer the questions in QJ-1; failing to timely and completely answer the questions in QJ-2; failing to either provide her medical records for the past five years to the Commission or signing a release authorizing the Commission to obtain her medical records for the past five years; and failing to agree to undergo a psychological evaluation if requested by the Commission:
  - Constitutes a willful violation of the Code of Judicial Conduct, incompetence in the performance of her duties, and willful or persistent conduct that is clearly inconsistent with the proper performance of her duties and casts public

---

<sup>11</sup> Texas Penal Code sect. 43.02: A person commits an offense if, based on the payment of a fee by the actor, the person knowingly offers to engage, agrees to engage, or engages in sexual conduct.

<sup>12</sup> Texas Penal Code sect. 43.02: A person commits an offense if, based on the payment of a fee by the actor, the person knowingly offers to engage, agrees to engage, or engages in sexual conduct.

discredit on the judiciary and the administration of justice, in violation of Article V, § 1-a(6)A of the Texas Constitution;

- Demonstrates a failure to comply with the law in violation of Canon 2A of the Texas Code of Judicial Conduct; and
- Demonstrates a lack of professional competence in the law in violation of Canon 3B(2) of the Texas Code of Judicial Conduct.

Judge Green is hereby notified that she has the right to file a written answer to the foregoing charges within thirty days after service of this Notice of Formal Proceedings upon her by agreement of the Parties. Judge Green's verified answer should be delivered to the State Commission on Judicial Conduct, P.O. Box 12265, Austin, Texas, 78711.

Signed this 3<sup>rd</sup> day of May, 2017.

Respectfully submitted,

**Examiners State Commission on Judicial  
Conduct**

P.O. Box 12265  
Austin Texas 78711  
(512) 463-5533  
FAX: (512) 463-0511

**Eric L. Vinson**  
Executive Director  
Texas State Bar No. 24003115  
**Royce Lemoine**  
Deputy Director  
Texas State Bar No. 24026421

**Special Counsel to the Examiner**  
**Geoffrey Weisbart**  
Texas State Bar No. 21102645  
**Mia A. Storm**  
Texas State Bar No. 24078121

By: Eric L. Vinson  
Eric L. Vinson



**CERTIFICATE OF SERVICE**

By agreement, service of this Notice of Formal Proceedings has been made by serving Judge Green's attorney of record, Charles "Chip" Babcock and Jamila Brinson, by electronic mail on the 3<sup>rd</sup> day of May, 2017, in lieu of formal service.

*Eric L. Vinson*

---

Eric L. Vinson