



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 01-0853-JP; 01-0944-JP; 01-0989-JP

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE LONNIE JIM DULIN
JUSTICE OF THE PEACE, PRECINCT 2, PLACE 1
LUBBOCK, LUBBOCK COUNTY, TEXAS**

During its meeting in Austin, Texas, on December 6-7, 2001, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Lonnie Jim Dulin, Justice of the Peace, Precinct 2, Place 1, Lubbock, Lubbock County, Texas. Judge Dulin was advised by letter of the Commission's concerns and provided a written response. Judge Dulin appeared with counsel before the Commission on December 6, 2001 and gave testimony. After considering the evidence before it, the State Commission on Judicial Conduct entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Lonnie Jim Dulin was Justice of the Peace for Precinct 2, Place 1, Lubbock, Lubbock County, Texas.
2. On November 27, 2000, Joe Lara ("Lara") was found guilty in Judge Dulin's court of Thwarting Compulsory Attendance, a Class C misdemeanor, relating to Lara's minor daughter's failure to attend school. Judge Dulin granted deferred adjudication in the case and deferred payment of a \$450.00 fine.

3. By letter dated May 11, 2001, Lara was notified by his daughter's school attendance officer of a May 16, 2001 contempt hearing "concerning the attendance" of Lara's daughter to be held in Judge Dulin's court.
4. The May 11th letter failed to identify the parties to the proceeding, a case number, or any other specific information concerning the case, although it did state that any "party" had "the right to be represented by legal counsel."
5. Judge Dulin failed to issue a summons, subpoena, or warrant to secure Lara's appearance for the contempt hearing.
6. Judge Dulin failed to issue a show cause order or equivalent legal process informing Lara of when, how and by what means Lara had been guilty of contempt.
7. On May 16, 2001, Lara appeared in Judge Dulin's court without counsel.
8. Prior to the commencement of the contempt hearing, Lara was not advised of his right to counsel nor did he knowingly and voluntarily waive his right to counsel.
9. At the conclusion of the contempt hearing, Lara was held in contempt "for five of the sixty-two days he kept his child out of school" and was ordered to pay the previously deferred fine of \$450.00. Lara was also committed to jail to serve a sentence of fifteen (15) days' confinement.
10. On May 17, 2001, Judge Dulin conducted a contempt hearing against another parent, Jennifer Soliz.
11. In the Soliz case, Judge Dulin followed the same procedures as in the Lara case.
12. Judge Dulin found Soliz in contempt, ordered her to pay a previously deferred fine of \$400.00, and committed her to serve a sentence of fifteen (15) days' in jail.
13. On May 18, 2001, after conferring with the Lubbock County District Attorney's Office about the legality of their incarceration, Judge Dulin released Lara and Soliz from jail.
14. At the hearing before the Commission, Judge Dulin identified eight (8) other cases in which he had ordered defendants to serve time in jail for contempt utilizing the same procedures as in the Lara and Soliz cases.
15. Judge Dulin's actions in the Lara and Soliz cases received local media attention and the criticism of other local judges.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states 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.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states that “[a] judge ... shall maintain professional competence in [the law].”

CONCLUSION

The Commission finds from the evidence presented that Judge Dulin improperly exercised his contempt authority by failing to provide the alleged contemnors with full and unambiguous notification of when, how and by what means they had been guilty of contempt. Judge Dulin also failed to advise the defendants at the contempt hearing of their right to counsel, failed to admonish the defendants about proceeding without counsel, and failed to obtain the defendants’ knowing and voluntary waiver of counsel, before finding them in contempt and ordering their confinement in jail. Judge Dulin’s actions in exercising his contempt authority clearly demonstrated that he failed to comply with the law in violation of Canon 2A of the Texas Code of Judicial Conduct, and that he lacked professional competence in the law in violation of Canon 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the above-recited conduct that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Lonnie Jim Dulin, Justice of the Peace, Precinct 2, Place 1, Lubbock, Lubbock County, Texas.

Pursuant to the order, Judge Dulin is directed to obtain **eight (8) hours** of instruction with a mentor judge, in addition to his required judicial education. In particular, the Commission directs that Judge Dulin receive instruction as follows:

- Two (2) hours concerning the court’s contempt authority and proper procedures to be followed before finding a person in contempt of court;
- Two (2) hours concerning a criminal defendant’s right to due process under the United States and Texas constitutions.
- Two (2) hours concerning Sec. 25.093 of the Texas Education Code - Parent Contributing to Truancy (formerly titled “Thwarting Compulsory Attendance Law”); and
- Two (2) hours concerning Sec. 25.094 of the Texas Education Code - Failure to Attend School.

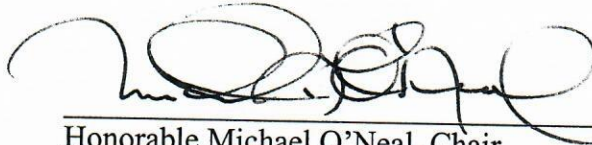
Judge Dulin is hereby directed to complete the additional education recited above within **ninety (90) days** from the date of written notification of the assignment of a mentor judge. It is Judge Dulin's responsibility to contact the assigned mentor judge and schedule the additional education.

Failure to complete the required additional education in a timely manner may result in further Commission action. Upon the completion of this training, Judge Dulin shall sign and return the Respondent Judge Survey indicating compliance with this order.

Pursuant to the authority contained in Article 5, Section 1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

The Commission has taken this action with the intent of assisting Judge Dulin in his continued judicial service, as well as in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 17 day of December, 2001.

A handwritten signature in black ink, appearing to read "Michael O'Neal", written over a horizontal line.

Honorable Michael O'Neal, Chair
State Commission on Judicial Conduct