



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 02-0186-JP, 02-0389-JP, AND 02-0420-JP

AMENDED PUBLIC ADMONITION

**HONORABLE HAZEL LEWIS
FORMER JUSTICE OF THE PEACE, PRECINCT 2
MARLIN, FALLS COUNTY, TEXAS**

During its meeting on October 8-10, 2003, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Hazel Lewis, former Justice of the Peace for Precinct 2, Marlin, Falls County, Texas, and current Municipal Court Judge for the City of Marlin. Judge Lewis was advised by letter of the Commission's concerns and provided a written response. Judge Lewis appeared before the Commission on October 10, 2003, and gave testimony. After considering the evidence, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Hazel Lewis was the Justice of the Peace for Precinct 2, in Marlin, Falls County, Texas.
2. Judge Lewis has since retired from the position of justice of the peace, but she currently serves as a municipal court judge for the City of Marlin.

CJC No. 02-0186-JP

3. On October 1, 2001, Onesima Ocampo entered Judge Lewis' court for the purpose of filing a forcible entry and detainer lawsuit.
4. After filling out the appropriate forms and paying a filing fee of \$65, Ocampo waited to hear from the judge about service of citation on her tenant.

5. Being unable to obtain a status report from the judge or to secure a hearing date within one month of filing her lawsuit, Ocampo sought the advice of Marlin attorney Stephen Johnson.
6. After consulting with Ocampo, Johnson excused himself in order to go to the judge's court to seek information about the Ocampo lawsuit. After visiting with Judge Lewis, Johnson returned to his office where he told Ocampo that the judge had informed him that she had previously set the matter for trial, that she had notified Ocampo of this trial setting, and, when Ocampo failed to appear at trial, Judge Lewis entered a default judgment against Ocampo.
7. Ocampo confronted the judge about what Johnson had told her. When Ocampo informed the judge that she had never been notified of a trial setting, Judge Lewis called her a liar and insisted that Ocampo had been properly informed of the hearing.
8. In her testimony before the Commission, Judge Lewis was unable to recall ever speaking to Johnson about the Ocampo lawsuit.
9. Subsequently, after much prodding from Ocampo, Judge Lewis returned the \$65 filing fee.
10. Although she acknowledged that she had received the filing fee from Ocampo, Judge Lewis, in her testimony before the Commission, denied that the lawsuit had ever been filed.

CJC No. 02-0389-JP

11. Bonnie McBee lives in Falls County, outside the Marlin city limits. According to McBee, she rescues dogs and finds adoptive homes for them.
12. McBee was accused by a neighbor of having unvaccinated dogs on her property, and of illegally dumping a dead dog on the neighbor's property.
13. According to Judge Lewis, the neighbor complained to her about the situation on McBee's property, but in her appearance before the Commission, Judge Lewis was unable to recall if the complaint made to her was reduced to writing.
14. Judge Lewis visited McBee's property and threatened McBee with arrest if she did not have the dogs properly vaccinated.
15. Ultimately, the judge opened a criminal complaint file against McBee, charging her with not having vaccinations for 23 dogs.
16. According to Judge Lewis, after McBee showed her proof of having all of the dogs vaccinated, she had McBee pay a \$230.00 administrative fee to dismiss the complaint. At her appearance before the Commission, Judge Lewis testified that this amount was arrived at by charging \$10.00 per unvaccinated dog.
17. McBee did not plead guilty or *nolo contendere* to the charge, was not found guilty of the charge after a trial, and, as a result, was never placed on deferred adjudication.

CJC No. 02-0420-JP

18. Tana Nichols was a traffic defendant in Judge Lewis' court. She had been cited for driving 82 m.p.h. in a 55 m.p.h. zone.
19. Nichols contacted Judge Lewis by phone in order to contest the ticket, but Judge Lewis refused to allow her to do so.
20. During their phone conversation, Judge Lewis commented on the expensive car that Nichols was driving at the time she was cited. The judge stated that Nichols did not need to contest the matter, nor did she need an extension of time in order to pay the fine.
21. Ultimately, Nichols was ordered by Judge Lewis to pay a total of \$380.00 to resolve the matter, and Nichols was given a "deferred disposition" by the judge.
22. The amount of \$380.00 consisted of \$255.00 as a fine, \$100.00 as a "Deferred" fee, and a charge of \$25.00, indicated on the docket sheet as "T. Pay."
23. There is no evidence that Nichols pleaded either guilty or *nolo contendere* to the charge against her, nor that she was found guilty after a trial.

RELEVANT STANDARDS

1. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge should be faithful to the law and shall maintain professional competence in it."
2. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity,"
3. According to Art. 45.051(c) of the Texas Code of Criminal Procedure, a court can collect a "special expense" in lieu of a fine only after a deferral period has been served, and after the defendant has complied with any other requirements imposed at the time of the finding of guilt.

CONCLUSION

The Commission concluded from the facts and evidence before it that Judge Lewis displayed a failure to maintain competence in the law, in violation of Canon 3B(2) of the Texas Code of Judicial Conduct, in her handling of the cases of Onesima Ocampo, Bonnie McBee, and Tana Nichols. Specifically, the "administrative fee" charged to McBee by Judge Lewis was an inappropriate "special expense," and that it was inappropriate for Judge Lewis to order Nichols to pay both a fine and a "Deferred" fee in order to dispose of the charge against her. Further, in the cases of Ocampo and Nichols, the Commission concluded that Judge Lewis failed to be patient, dignified, and courteous, in violation of Canon 3B(4) of the Texas Code of Judicial Conduct.

In condemnation of the conduct violative of Canons 3B(2) and 3B(4) of the Texas Code of Judicial Conduct recited above, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Hazel Lewis, Justice of the Peace for Precinct 2, Marlin, Marlin County, Texas.

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** by the Commission.

The Commission has taken this action 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 ____28th____ day of October, 2003.

ORIGINAL SIGNED BY

Honorable Kathleen Olivares, Chair
State Commission on Judicial Conduct