



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 13-0772-JP AND 14-0510-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE TERESA M. MELENDREZ
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1
EAGLE PASS, MAVERICK COUNTY, TEXAS**

During its meeting on February 18-20, 2015, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Teresa M. Melendrez, Justice of the Peace, Precinct 4, Place 1, Eagle Pass, Maverick County, Texas. Judge Melendrez was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Teresa M. Melendrez was Justice of the Peace, Precinct 4, Place 1, in Eagle Pass, Maverick County, Texas.

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2. On July 11, 2012, Hector Peña filed a small claims action against Perla Pardo regarding the sale of a vehicle. The case was filed in Judge Melendrez's court and Pardo was served with citation that same day.
3. Thereafter, Pardo was summoned to appear in Judge Melendrez's court on August 1, 2012. When Pardo appeared, Peña was also present, and both parties proceeded to explain the facts of the case to Judge Melendrez.

4. At the conclusion of the proceedings, according to a docket sheet entry, Judge Melendrez ordered Pardo to return the vehicle to Peña.
5. According to Pardo, she was advised to return to the court on August 16, 2012, at which time Judge Melendrez again entered no written judgment, but stated that she was going to refer the matter to the Eagle Pass Police Department for an investigation.
6. In January 2013, Judge Melendrez asked Pardo to return to court for another hearing in the matter.
7. Concerned about Judge Melendrez's earlier statement that she was going to refer the matter to law enforcement, Pardo contacted a detective at the Eagle Pass Police Department, who verified that there was no criminal case pending.
8. Pardo appeared in court on January 16, 2013, and agreed to pay Peña a total of \$5,000 in monthly payments of \$400.
9. Although this agreement was memorialized in a handwritten notation on the court's docket sheet, which both Pardo and Peña signed, no written judgment was issued by the court.¹
10. According to Pardo, she entered into the agreement after Judge Melendrez threatened her with criminal charges and jail.
11. In December 2013, Judge Melendrez issued a criminal summons styled *State of Texas vs. Perla Pardo*. The summons, which contained no case number, was served on Pardo by a law enforcement officer. The summons ordered Pardo to appear in Judge Melendrez's court on December 18, 2013 "pertaining to allegations of an offense against the laws of said State, to wit: Civil Matter..."
12. On December 18, 2013, Judge Melendrez signed a handwritten note that stated, "Start payments in January 15, 2014 payments of \$100.00 dills till balance is pay in full. Bal. \$4,350.00 dills," This document did not reference a case number nor did it identify the parties to the agreement.
13. In her written responses to the Commission's inquiry, Judge Melendrez denied threatening Pardo with jail.
14. Judge Melendrez further explained that all of the court appearances of Pardo and Peña were informal in nature and were intended to be more like mediations than formal judicial hearings.

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15. On December 12, 2013, Moises Cantu III filed a petition for divorce against Antonia Perez in the 293rd Judicial District Court in Maverick County, Texas.
16. On that same day, Judge Melendrez issued a criminal summons in a case styled *State of Texas vs. Antonia Perez*. The summons, which contained no case number, was served on Perez by law enforcement officers. The summons ordered Perez to appear in Judge Melendrez's court on December 18, 2013 "pertaining to allegations of an offense against the laws of said State, to wit: Civil Matter..."
17. On the evening of December 17, 2013, law enforcement officers escorted Perez out of a local restaurant, served her with the criminal summons, and took a photograph of her vehicle, a 2008 Jeep Wrangler, which was then emailed to Judge Melendrez's court clerk.

¹ In response to the Commission's inquiry, Judge Melendrez provided the Commission with an unsigned copy of a written judgment in the case.

18. When Perez appeared before Judge Melendrez the following evening, she learned that Judge Melendrez was intending to order her to return the Jeep to Cantu.
19. Perez attempted to explain to Judge Melendrez that the Jeep was community property purchased during the marriage; that the value of the Jeep exceeded the court's \$10,000 jurisdiction; that a divorce proceeding was currently pending in the district court; and that the district court would determine ownership and possession of the Jeep and other property belonging to the couple.
20. In response, Judge Melendrez advised Perez that the court's \$10,000 jurisdictional limit would not affect her decision because they were only discussing possession, not ownership.
21. Thereafter, Judge Melendrez issued a judgment in case number S13-031JP4, styled *Moises Cantu III vs. Antonia Perez*, ordering Perez to return possession of the Jeep to Cantu.
22. When Perez asked about her appellate remedies, Judge Melendrez advised her that she could not appeal the decision, but could "fight" for the vehicle in the district court divorce proceedings.
23. In response to the Commission's inquiry, Judge Melendrez provided a copy of the court file in connection with the Perez case, which contained no complaint or pleadings filed by Cantu and no evidence that Perez had been served with citation or notice of any pending lawsuit filed in Judge Melendrez's court.
24. Although the copy of the criminal summons and the judgment provided by Judge Melendrez indicated that case number S13-031JP4 had been written by hand across the top of the documents, the copies provided to Perez did not contain this information.
25. In addition, the court file contained no entries on the court docket sheet other than the date "December 18, 2013."
26. Although Judge Melendrez provided affidavits from law enforcement officers indicating that Perez had been avoiding service of the criminal summons prior to December 17, 2013, the Peace Officer's Return from the Maverick County Constable's Office reflected that there had been no prior attempts at service.
27. Perez and her aunt advised the Commission that Cantu's mother had previously threatened to have Judge Melendrez intervene in the dispute over the Jeep, and had represented that she was in a special relationship to influence the judge.
28. When asked by Perez's aunt if the judge and Cantu's mother knew each other, Judge Melendrez laughed at her and stated, "I know everybody in town."
29. In response to the Commission's inquiry, Judge Melendrez specifically denied meeting with any party in the case before the hearing on December 18, 2013.
30. Judge Melendrez admitted that she signed a criminal summons, but explained that it was mistakenly used and that she mistakenly signed it.
31. Although Perez was summoned to appear before Judge Melendrez for a formal hearing in the case, Judge Melendrez averred that she merely conducted an informal mediated settlement with the parties.
32. Because she wanted to speak informally with the parties to see if an agreement could be reached, Judge Melendrez explained that she refused to allow any family members to enter the court room or attend the proceedings.

33. Judge Melendrez also claimed that she “did not understand that the [Jeep] was marital property that was the subject of the divorce proceeding;” however, an audio recording of the proceedings confirmed that Perez attempted to bring this information to the judge’s attention on several occasions.
34. The audio recording also reflected that when Judge Melendrez discovered certain items had been removed from the Jeep, she urged Cantu to file a theft report with law enforcement, stating “Okay [inaudible] need for you to do police report. Go to the police department, or the sheriff’s department, or whatever, maybe the sheriff’s department...I just need a report number and we can file it later.”

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge shall comply with the law ...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in pertinent part, “A judge ... shall maintain professional competence in [the law.]”
3. Canon 6C(2) of the Texas Code of Judicial Conduct provides, in pertinent part, “A justice of the peace ... shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.”

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Melendrez failed to comply with the law and demonstrated a lack of professional competence in the law by (a) entering a judgment in the Perez case in the absence of pleadings, without serving Perez with citation, and without providing Perez adequate notice of the hearing; (b) issuing criminal summonses in civil cases; (c) failing to reduce her rulings in the Pardo case to final written, appealable judgments; (d) failing to afford Pardo or Perez the right to appeal the court’s judgment; (e) presiding over a matter over which the court lacked jurisdiction; (f) maintaining incomplete and/or inaccurate court records; and (g) conducting informal private mediations of disputes without proper notice to the parties, while excluding individuals from entering the courtroom to observe the proceedings in violation of the open courts doctrine. Based on the audio recording, the Commission also concludes that at the time of the December 18, 2013 hearing in the Perez matter, Judge Melendrez demonstrated an awareness of certain facts and evidence that appeared to have been provided to the judge from an *ex parte* or extra-judicial source. The Commission concludes that Judge Melendrez’s conduct, as described above, constituted willful and/or persistent violations of Canons 2A, 3B(2), and 6C(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Teresa M. Melendrez, Justice of the Peace, Precinct 4, Place 1, Eagle Pass, Maverick County, Texas.

Pursuant to this Order, Judge Melendrez must obtain **eight (8) hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2015. In particular, the commission desires that Judge Melendrez receive this additional education in the following areas: (1) the proper use of

criminal and civil summonses; (2) the proper role of the judge as a neutral, fair and impartial arbitrator when hearing and deciding civil cases; (3) the open courts doctrine; (4) alternative dispute resolution procedures under Rule 503.5 of the Texas Rules of Civil Procedure; (5) avoiding both the appearance and the reality of improper *ex parte* communications; (6) proper record-keeping procedures, including but not limited to the requirement to reduce judgments and orders to writing; (7) rules and procedures governing a litigant's right to appeal a judgment; and (8) trial settings and notice requirements under Rule 503.3 of the Texas Rules of Civil Procedure.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Melendrez in this case.

Judge Melendrez shall complete the additional **eight (8) hours** of instruction recited within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Melendrez's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **eight (8) hours** of education described herein, Judge Melendrez shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect the 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 19th day of March, 2015.

ORIGINAL SIGNED BY

Hon. Steven L. Seider, Chair
State Commission on Judicial Conduct