



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 08-0458-JP

**PUBLIC WARNING
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE MARY D. VALADEZ
JUSTICE OF THE PEACE, PRECINCT 2
SAN DIEGO, DUVAL COUNTY, TEXAS**

During its meeting on April 14-16, 2009, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Mary D. Valadez, Justice of the Peace for Precinct 2 in San Diego, Duval County, Texas. Judge Valadez was advised by letter of the Commission's concerns and provided a written response. Judge Valadez appeared before the Commission on April 15, 2009, and gave testimony. 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 Mary D. Valadez was Justice of the Peace for Precinct 2, in San Diego, Duval County, Texas.
2. On or about September 19, 2007, Maria Garcia ("Garcia") went to Judge Valadez' court seeking to evict an individual in possession of certain real property located in Precinct 2, which property Garcia and her father claimed to own.
3. Garcia was prepared to present and file a document entitled "Plaintiff's Complaint for Forcible Detainer," along with a notice to vacate.

4. Judge Valadez was aware of the history of the dispute between the Garcia families over ownership and possession of the property in question.
5. According to Garcia, Judge Valadez refused to look at or accept the complaint for forcible detainer and told Garcia to hire an attorney and file her action in district court.
6. Thereafter, Garcia approached the Duval County Attorney and the Duval County Judge for assistance.
7. According to his sworn statement, the County Attorney contacted Judge Valadez and advised her that she was obligated to allow Garcia's case to be filed.
8. According to his sworn statement, the County Judge also contacted Judge Valadez and advised her to allow Garcia to file the eviction case.
9. Judge Valadez indicated in her written response and testimony before the Commission that her memory of Garcia's appearance in her court was "vague."
10. Judge Valadez also stated that she did not recall speaking to the County Judge or County Attorney regarding Garcia's case.
11. Judge Valadez recalled, however, that she informed Garcia that her case was "never filed," after Garcia requested the judge's recusal.
12. Judge Valadez did recall advising Garcia to seek the assistance of an attorney to file the case in district court because, according to the judge, the case involved a dispute over title to the property.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law"
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law.]"
3. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall accord to every person who has a legal interest in a proceeding, . . . , the right to be heard according to law."
4. Section 24.004 of the Texas Property Code provides that "a justice court in the precinct in which the real property is located has jurisdiction in eviction suits" as well as forcible detainer actions.

CONCLUSION

The Commission finds based on the facts and evidence before it that Judge Valadez' failed to comply with the law and demonstrated a lack of professional competence in the law, in violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, by her refusal to accept Ms. Garcia's forcible detainer action, over which Judge Valadez' court did have jurisdiction. Judge Valadez was in error when she assumed, based on her knowledge of the history of the parties' dispute over the property in question, that the action Garcia was intending to file involved a dispute over title to the

property. By failing to review Garcia's paperwork and refusing to accept the filing of a forcible detainer action, Judge Valadez effectively closed her court to an individual with a legal interest in the eviction action and denied that individual the right to be heard according to law, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Mary D. Valadez, Justice of the Peace for Precinct 2 in San Diego, Duval County, Texas.

Pursuant to the order, Judge Valadez must obtain **four (4) hours** of instruction with a mentor in addition to her required judicial education. In particular, the Commission directs that Judge Valadez receive instruction in the following areas: case filing and docketing, landlord/tenant law, including suits for forcible detainer and eviction, and the applicable provisions found in the Texas Property Code.

Judge Valadez shall complete the additional **four (4) hours** of instruction recited above within **ninety (90) days** from the date of written notification of the assignment of a mentor. It is Judge Valadez' responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of instruction described herein, Judge Valadez 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 conduct described above be made the subject of a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 27th day of April, 2009.

ORIGINAL SIGNED BY

Honorable Sid Harle, Chair
State Commission on Judicial Conduct