



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 05-0254-MU

PUBLIC ADMONITION

**HONORABLE B.R. DUNCAN
FORMER MUNICIPAL JUDGE
GARRISON, NACOGDOCHES COUNTY, TEXAS**

During its meeting on May 11, 2006, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable B.R. Duncan, former Municipal Court Judge for the City of Garrison, in Nacogdoches County, Texas. Judge Duncan was advised by letter of the Commission's concerns and provided a written response. Judge Duncan was invited to appear before the Commission on June 9, 2005, for a suspension hearing, but failed to appear. On or about July 1, 2005, Judge Duncan was advised by letter of the Commission's Request for Order of Suspension filed with the Texas Supreme Court. On or about October 11, 2005, Judge Duncan was notified that the Texas Supreme Court had suspended him from office, without pay, pending final disposition of the charge pending against him. As of this date, Judge Duncan has made no attempt to resolve the charge against him by obtaining the required judicial education for fiscal year 2004. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable B.R. Duncan was the Municipal Court Judge for the City of Garrison in Nacogdoches County, Texas.
2. On or about November 12, 2004, the Court of Criminal Appeals reported that Judge Duncan failed to obtain the required judicial education for fiscal year 2004 (September 1, 2003 through August 31, 2004).
3. On or about January 18, 2005, the Commission received the affidavit of Hope Lochridge, Executive Director for the Texas Municipal Courts Education Center,

in which she stated that during fiscal year 2004, Judge Duncan completed 0 hours out of the 12 hours of judicial education required of a municipal court judge. Judge Duncan was not granted a waiver from this requirement.

4. On or about February 16, 2005, Judge Duncan was asked to respond to the allegation that he had failed to obtain the required judicial education for fiscal year 2004. Judge Duncan failed to respond to the Commission's inquiry.
5. On or about May 11, 2005, Judge Duncan was invited to appear before the Commission on June 9, 2005, for a suspension hearing pursuant to Rule 15b of the Texas Procedural Rules for the Removal or Retirement of Judges.
6. On June 9, 2005, the Commission went forward with the suspension hearing. Judge Duncan failed to appear, but provided a written response to the Commission stating that he did not attend his judicial education classes in fiscal year 2004 because the City of Garrison was not sure whether it would continue to have a municipal court.
7. At the conclusion of the June 9 hearing, the Commission voted to recommend to the Texas Supreme Court that Judge Duncan be suspended from office, without pay, pending final disposition of the charge against him.
8. On or about July 1, 2005, the Commission filed its Request for Order of Suspension with the Texas Supreme Court and notified Judge Duncan of the filing.
9. On or about October 11, 2005, the Texas Supreme Court suspended Judge Duncan from office, without pay. A copy of the Order was provided to Judge Duncan.
10. As of May 11, 2006, Judge Duncan had made no attempt to resolve the charge pending against him by obtaining his judicial education requirements for fiscal year 2004.
11. As of May 11, 2006, Judge Duncan had been replaced as municipal judge for the City of Garrison.

RELEVANT STANDARD

Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall maintain professional competence in [the law]."

CONCLUSION

The Commission concludes from the facts and evidence presented that by failing to complete his judicial education requirements for fiscal year 2004, Judge Duncan failed to maintain 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 Canon 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable B.R. Duncan, former Municipal Court Judge for the City of Garrison, Nacogdoches County, Texas.

Pursuant to the authority contained in Article V, 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 __25th__ day of May, 2006.

ORIGINAL SIGNED BY

Honorable Monica A. Gonzalez, Chair
State Commission on Judicial Conduct