



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 02-0352-JP, 02-0448-JP, AND 02-0705-JP

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE JUAN JASSO
JUSTICE OF THE PEACE, PRECINCT 5, PLACE 2
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on August 6-8, 2003, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Juan Jasso, Justice of the Peace for Precinct 1, Place 2, Dallas, Dallas County, Texas. Judge Jasso was advised by letter of the Commission's concerns and provided a written response. Judge Jasso appeared before the Commission on August 8, 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 Juan Jasso was the Justice of the Peace for Precinct 6, Place 2, in Dallas, Dallas County, Texas. After October 2001, as a result of redistricting, Judge Jasso was the Justice of the Peace for Precinct 5, Place 2, in Dallas, Dallas County, Texas.
2. Judge Jasso is an attorney and has been licensed to practice law in the State of Texas since November 7, 1986.

CJC No. 02-0352-JP

3. On August 16, 2000, Larey Choice (“Choice”) filed a small claims suit in Judge Jasso’s court.
4. Through January 2, 2002, the date of his complaint to the Commission, Choice had received no information or response from Judge Jasso’s court regarding the status of his case, despite numerous inquiries on his part to determine why it was taking so long to process his case

CJC No. 02-0448-JP

5. In October 2000, Jesse Youngker (“Youngker”) filed a small claims suit in Judge Jasso’s court.
6. For more than a year, Youngker contacted the court to obtain information concerning the status of his case and to obtain a trial setting.
7. Youngker finally received notification on October 24, 2001, that the case had been set for trial on October 16, 2001, and that it had been dismissed at that time for want of prosecution.
8. Youngker immediately mailed a motion for new trial to the court, but received no further response from the court, despite making numerous phone calls.
9. In January 2002, Youngker was finally informed by a clerk that the court could not locate his file and paperwork.
10. Youngker then hand-delivered his motion for new trial to the court and was advised that the case would be placed back on the court’s docket.
11. In February 2002, Youngker was advised once again that the court had lost or misplaced his paperwork. At that time, Youngker was informed that the chief clerk for Judge Jasso’s court had quit and had left behind a “big mess.”
12. Although Youngker re-faxed the information to the court on February 13, 2002, as of February 27, 2002, the date of his complaint to the Commission, he had not received any information or acknowledgement from the court.

CJC No. 02-0704-JP

13. The Dallas County Commissioners’ Court complained that Judge Jasso engaged in fiscal mismanagement by failing to fulfill his statutory obligation to deposit monies as required by §113.022 of the Local Government Code, and Article 103.004 of the Code of Criminal Procedure.

14. According to a Dallas County Auditor's report dated December 21, 2001, Judge Jasso's court had thousands of dollars worth of unposted receipts, numerous posting errors, and approximately \$6,650.00 in missing funds.
15. These audit findings indicated that similar findings and recommendations had been noted on numerous occasions in previous memoranda to Judge Jasso.
16. In addition, it was determined that Judge Jasso has failed to file monthly activity reports with the Office of Court Administration ("OCA") since 2001, despite receiving notices from OCA that the reports were overdue.
17. In a June 26, 2003 report, the Dallas County Auditor observed that during a recent visit by her staff to Judge Jasso's court, receipts were not being immediately given when payment was tendered.

RELEVANT STANDARDS

1. Article 5, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that any justice or judge of the courts established by the Constitution or created by the Legislature may be disciplined or censured for "willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice."
2. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall comply with the law . . ."
3. Section 113.022 of the Texas Local Government Code states, in relevant part, that "[a] county officer who receives funds shall deposit the funds with the county treasurer on or before the next regular business day after the date on which the funds are received."
4. Article 103.004 of the Texas Code of Criminal Procedure states, in relevant part, that "an officer who collects . . . fines . . . and other obligations recovered in the name of the state . . . shall deposit the money in the county treasury not later than the next regular business day after the date that the money is collected."
5. Section 71.035 of the Texas Government Code requires all judges, as an official duty, to file monthly activity reports with the Office of Court Administration.

CONCLUSION

The Commission concluded from the facts and evidence before it that, in the cases of Larey Choice and Jesse Youngker, Judge Jasso persistently failed to maintain and monitor his civil court docket, in violation of Article 5, Section 1-a(6)A of the Texas Constitution. Further, based on the complaint of the Dallas County Commissioners' Court, Judge Jasso failed to properly account for and deposit monies collected by his court and failed to timely file with OCA the required monthly activity reports for his

court, in violation of Article 5, Section 1-a(6)A of the Texas Constitution and Canon 2A of the Texas Code of Judicial Conduct.

Judge Jasso's persistent failure to comply with statutory requirements found in §113.022 of the Local Government Code, Article 103.004 of the Code of Criminal Procedure, and §71.035 of the Government Code was clearly inconsistent with the proper performance of his duties. The Commission further notes that a recent report of the Dallas County Auditor's office indicated that Judge Jasso's court was still not immediately issuing a receipt for payments tendered.

In condemnation of the conduct violative of Article 5, Section 1-a(6)A of the Texas Constitution and Canon 2A of the Texas Code of Judicial Conduct recited above, it is the Commission's decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Juan Jasso, Justice of the Peace for Precinct 5, Place 2, Dallas, Dallas County, Texas. Pursuant to the order, Judge Jasso must obtain **forty (40) hours** of instruction with a mentor judge, in addition to his required judicial education. In particular, the Commission desires that Judge Jasso receive instruction concerning the following:

- All facets of the management and administration of the office of the Justice of the Peace, particularly those duties that relate to the findings and concerns reported by the Dallas County Auditor, the Dallas County Commissioners Court, and the Office of Court Administration.

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 Jasso in this case.

Judge Jasso is hereby directed to complete the additional education within **ninety (90) days** from the date of written notification of the assignment of a mentor judge. It is Judge Jasso'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 Jasso 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 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 August, 2003.

ORIGINAL SIGNED BY

Honorable Kathleen Olivares, Chair
State Commission on Judicial Conduct