

Misc. Docket No. 02- 9082

**ORDER  
OF  
THE SUPREME COURT OF TEXAS**

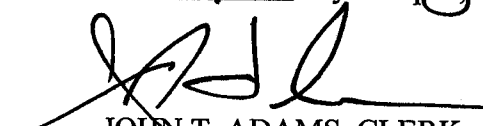
The State Commission on Judicial Conduct has recommended that the Honorable Michael Jackson Myers, Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, be suspended without pay pursuant to Texas Constitution Article 5, §1-a(6)A, and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, pending final disposition by the Commission of the charge pending against Respondent.

Having considered the Commission's Request for Order of Suspension of Judge and its exhibits, it is the Order of the Supreme Court of Texas that the Honorable Michael Jackson Myers, Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, be immediately suspended from office without pay pursuant to Texas Constitution Article 5, §1-a(6), pending final disposition by the Commission of the charge pending against Respondent.

As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the  
City of Austin

This 9<sup>th</sup> day of ~~April~~<sup>May</sup>, 2002.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

# State Commission on Judicial Conduct

## Officers

Michael L. O'Neal, Chair  
Kathleen H. Olivares, Vice-Chair  
Dee Coats, Secretary

## Members

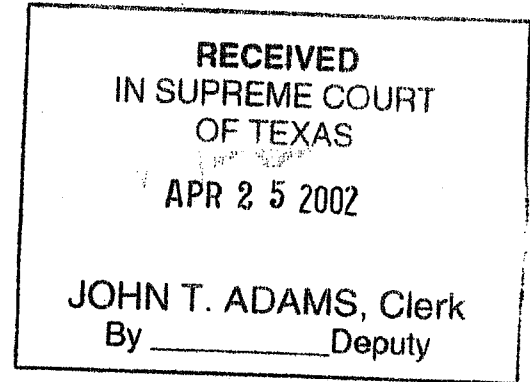
L. Scott Mann  
Keith Baker  
Martin Chiuminatto, Jr.  
Gilbert M. Martinez  
James A. Hall  
Ronald D. Krist



April 24, 2002

Executive Director  
Margaret J. Reaves

John T. Adams, Clerk  
Supreme Court of Texas  
Supreme Court Building  
P.O. Box 12248  
Austin, Texas 78711



Re: Inquiry Concerning CJC No. 02-0347-JP

Dear Mr. Adams:

Enclosed for filing are the original and 11 copies of *Commission's Request for Order of Suspension of Judge* in the above-referenced matter for the Court's consideration. Also enclosed is an Order for the Court's convenience. I ask that you please file stamp two of the copies provided and return them for our records.

By copy of this letter, I am providing the subject judge a true and correct copy of the *Commission's Request for Order of Suspension of a Judge*.

If you have any questions or need further information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Mogil".

Lisa Mogil  
Commission Counsel

LM/et  
Encl.

xc: Honorable M. Jackson Myers  
Justice of the Peace, Pct. 2  
Kaufman County  
Through Attorney Robert Provan  
Provan & Associates, P.C.  
401 W. 15<sup>th</sup> Street, Ste. 875  
Austin TX 78701

Via Certified Mail, Return Receipt Requested  
No. 7000 0600 0027 2944 9804

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 02-9082

INQUIRY CONCERNING  
CJC No. 02-0347-JP

COMMISSION'S REQUEST FOR ORDER OF SUSPENSION OF JUDGE

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW the undersigned counsel for the State Commission on Judicial Conduct (hereinafter the "Commission") and files this request that the Supreme Court suspend, without pay, the Honorable Michael Jackson Myers, Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, and would show the Court as follows:

**I. Authority**

Article 5, §1-a(6)A of the Texas Constitution provides, in pertinent part, as follows:

On the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and 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, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office. The Supreme Court, after considering the record of such appearance and the recommendation of the Commission, may suspend the person from office with or without pay, pending final disposition of the charge.

Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges sets forth the procedure for the suspension of a judge by using substantially the same language as that used in the Texas Constitution, as recited above.

The Rules of Judicial Education, promulgated by the Court of Criminal Appeals pursuant to Section 56.006 of the Texas Government Code, require justices of the peace to complete 20 hours of continuing judicial education each year as an official duty of office. The Commission

views this education requirement as a basic qualification necessary to serve as a judge. Other jurisdictions that take this approach have removed judges from the bench for failing to comply with education requirements. *See, e.g., Matter of Lobdell v. State Comm'n on Judicial Conduct*, 59 NY2d 338 (1983); *In re Yusko*, Determination (N.Y. Comm'n on Judicial Conduct, March 7, 1995); *In re Judge No. 1791*, 418 S.E.2d 83 (Ga. Sup. Ct. 1992) (per curiam). In addition, Georgia laws require the Judicial Qualifications Commission to recommend removal of certain judges who fail to obtain training, and Utah law mandates that the Supreme Court order the reprimand, censure, suspension, removal, or involuntary retirement of certain judges who do not complete training. O.C.G.A. §15-9-1.1 (2001); Utah Code Ann. §78-8-103 (2001). Finally, some state statutes declare a judge ineligible to serve or to receive a salary unless the judge has completed the requisite training. *See, e.g., Miss. Code Ann. §9-11-3* (2001); *Mont. Code Ann. §3-1-1502* (2001); *N.M. Stat. Ann. §35-14-10* (2001).

## **II. Factual and Procedural Background**

At all times relevant hereto, Michael Jackson Myers (hereafter "Respondent") has been a Justice of the Peace for Precinct 2, Forney, Kaufman County.

On February 25, 2002, a Sworn Complaint was filed with the Commission by Roger Rountree, Executive Director of the Texas Justice Court Training Center of Austin, Travis County, Texas, alleging that Respondent failed to comply with his judicial education requirements under the Rules of Judicial Education for fiscal year 2001. (A true and correct copy of the Sworn Complaint is attached hereto as **Exhibit A** and incorporated herein for all relevant purposes).

## **III. Suspension**

On March 11, 2002, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, a copy of the Sworn

Complaint was served on Respondent. In addition, Respondent was notified that the Commission had set the matter of Respondent's suspension for an informal hearing to be held at the Commission's offices located in the William P. Clements, Jr. Building, 300 West 15<sup>th</sup> Street, Suite 415, Austin, Texas on April 11, 2002, at 8:30 a.m. (A true and correct copy of the notice to Respondent is attached hereto as **Exhibit B** and incorporated herein for all relevant purposes).

On April 11, 2002, Respondent and his attorney appeared at the suspension hearing held before the Commission. (A true and correct copy of the transcript of the April 11, 2002 suspension hearing is attached hereto as **Exhibit C** and incorporated herein for all relevant purposes). After considering the Sworn Complaint, Respondent's written response to the Commission, his testimony before the Commission, and the argument of counsel, the Commission made the following findings:

1. On August 16, 2001, the Texas Justice Court Training Center notified Respondent that he had failed to obtain his required 20 hours of judicial education during fiscal year 2001, which commenced on September 1, 2000 and ended on August 31, 2001;
2. According to the records of the Texas Justice Court Training Center, Respondent did not apply for, nor was granted, a waiver of his judicial education for fiscal year 2001 by the Texas Justice Court Training Center Education Committee; and
3. Respondent represented during his testimony before the Commission that he was unable to attend the judicial education classes for fiscal year 2001 because he has Tourette's Syndrome and epileptic seizures, and took a leave of absence from the bench effective January 9, 2001.

Based on the evidence before it, the Commission concluded that Respondent is incompetent to perform the duties of his office as provided by Article 5, §1-a(6)A of the Texas Constitution.

Based on the above, the Commission recommends that the Texas Supreme Court order the immediate suspension of Respondent from his office as Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, without pay, pending the commencement of formal proceedings to remove the judge from office pursuant to the authority previously cited. (A true

and correct copy of the Commission's Recommendation of Suspension is attached hereto as **Exhibit D** and incorporated herein for all relevant purposes).

**Prayer**

WHEREFORE, premises considered, the undersigned counsel for the Commission respectfully requests that, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, this Honorable Court issue an order suspending Judge Michael Jackson Myers, without pay, from his office as Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, pending final disposition by the Commission of the charge pending against Respondent.

Respectfully submitted,

**State Commission on Judicial Conduct**  
P.O. Box 12265  
Austin Texas 78711  
(512) 463-5533  
FAX: (512) 463-0511

Margaret J. Reaves  
Executive Director  
Texas State Bar No. 16643800

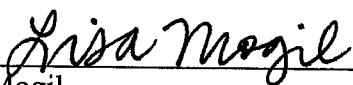
Seana Willing  
General Counsel  
Texas State Bar No. 00787056

Lisa Mogil  
Commission Counsel  
Texas State Bar No. 24002622

By: *Lisa Mogil*  
Lisa Mogil  
Texas State Bar No. 24002622

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the "Commission's Request for Order of Suspension of a Judge" has been sent Judge Michael Jackson Myers, by and through his attorney of record, Robert Provan, Provan & Associates, 401 West 15<sup>th</sup> Street, Suite 875, Austin, Texas 78701, on this the 25<sup>th</sup> day of April 2002, via certified mail, return receipt requested.

  
\_\_\_\_\_  
Lisa Mogil

**AFFIDAVIT OF ROGER ROUNTREE**

**STATE OF TEXAS**

§  
§  
§

**COUNTY OF TRAVIS**

BEFORE ME, the undersigned notary public, personally appeared Roger Rountree and upon his oath duly sworn testified as follows:

"I am over the age of 18, have never been convicted of a felony and have personal knowledge of all facts stated herein.

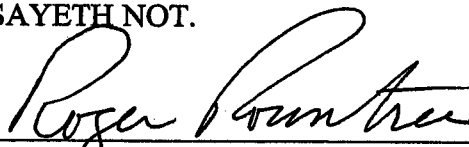
I am the Executive Director for the Texas Justice Court Training Center. As part of my duties, I ensure judges' compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas, a copy of which is incorporated by reference and made a part of this affidavit.

Judge M. Jackson Myers, Justice of the Peace, Precinct 2, of Forney, Kaufman County, Texas, is not in compliance with Rule 3a(2) of the Rules of Judicial Education for fiscal year 2001.

Judge Myers completed 0 hours out of the 20 required hours of education for fiscal year 2001.

Judge Myers was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2001."

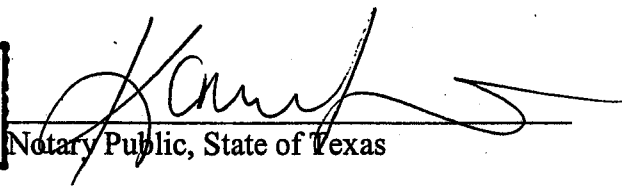
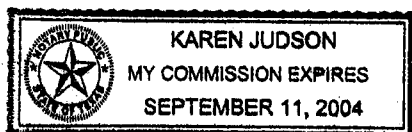
FURTHER AFFIANT SAYETH NOT.



Roger Rountree

Executive Director, Texas Justice Court Training Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 21 day of February, 2002.



Notary Public, State of Texas

EXHIBIT A



# State Commission on Judicial Conduct **COPY**

## Officers

Michael L. O'Neal, Chair  
Kathleen H. Olivares, Vice-Chair  
Dee Coats, Secretary



Executive Director  
Margaret J. Reaves

## Members

L. Scott Marn  
Keith Baker  
Martin Chiuminatto, Jr.  
Gilbert M. Martinez  
James A. Hall  
Ronald D. Krist

March 11, 2002

**CERTIFIED MAIL # 7000 0600 0027 2944 9552  
RETURN RECEIPT REQUESTED**

**CONFIDENTIAL**

Robert Provan  
Provan & Associates, P.C.  
401 W. 15<sup>th</sup> Street, Suite 875  
Austin TX 78701

Re: CJC Nos. 01-0486-JP and 02-0347-JP

Dear Mr. Provan:

Enclosed are two letters that we ask you to review and forward to your client, which gives him notice to appear before the Commission to provide testimony in the above-referenced cases at **8:30 a.m. on Thursday, April 11, 2002.**

As you will note, an appearance before the Commission is governed by Chapter 33, Section 33.022, of the Texas Government Code. While your client may not invite witnesses to testify, he may invite guests to observe the hearing. Your client may be asked to discuss any matter relating to the above-referenced cases. Your client is free to submit any written documents or court records that he deems material, including any affidavits or sworn statements from witnesses. We request that any documents the judge wishes the Commission to consider must be received by this office no later than **3:00 p.m. on April 9, 2002.**

If your client is unable to attend this hearing, you must notify the Commission in writing no later than **April 3, 2002.** Your client's failure to attend or provide a good cause reason for his failure to attend could result in the Commission initiating a complaint against him for failure to cooperate. The date and time of the hearing are reserved to allow your client the opportunity to clarify his actions to the Commission and to allow the Commission the opportunity to more fully understand the facts and circumstances of the case. Such discussion may result in an early resolution of the issues. However, please be advised that your client's testimony will be under oath and may be used in subsequent proceedings. For security reasons, if you desire to invite guests to the hearing, your appearance confirmation letter should identify those persons.


The hearing will take place during a regularly scheduled Commission meeting; therefore, it is the Commission's policy that no requests for a continuance of the hearing will be entertained.

You should also note that, along with the letter in CJC 02-0347-JP, we have submitted questions that we have asked the judge to respond to by **Friday, March 29, 2002.**

At the conclusion of the hearing, the Commission may vote to dismiss the matters, issue a private or public sanction against you, order that you obtain additional education, or initiate formal proceedings in order to recommend your removal and/or suspension from office. In some situations, the Commission may postpone its decision in order to obtain additional testimony or other evidence.

Thank you for your time and consideration.

Sincerely,



Margaret J. Reaves  
Executive Director

MJR/JH/et  
Enclosures

EXHIBIT B

# State Commission on Judicial Conduct

## Officers

Michael L. O'Neal, Chair  
Kathleen H. Olivares, Vice-Chair  
Dee Coats, Secretary



Executive Director  
Margaret J. Reaves

## Members

L. Scott Marrn  
Keith Baker  
Martin Chiurminatto, Jr.  
Gilbert M. Martinez  
James A. Hall  
Ronald D. Krist

March 11, 2002

**CONFIDENTIAL**

**CERTIFIED MAIL # 7000 0600 0027 2944 9552**

**RETURN RECEIPT REQUESTED**

Honorable M. Jackson Myers

Justice of the Peace, Pct. 2

Kaufman County

119 Brandon Lane

Forney TX 75126

THROUGH HIS ATTORNEY ROBERT PROVAN

Re: CJC 02-0347-JP

Dear Judge Myers:

As you are aware, the State Commission on Judicial Conduct exercises jurisdiction over allegations of judicial misconduct. Article 5, §1-a(7) of the Texas Constitution provides that, "The Commission shall keep itself informed as fully as may be of circumstances relating to the misconduct or disability of particular persons holding an office named in Paragraph A of Subsection (6) of this Section, receive complaints or reports, formal or informal, from any source in this behalf, and make such preliminary investigations as it may determine."

In addition, the Texas Court of Criminal Appeals has adopted Rules of Judicial Education, which establish requirements for mandatory instruction of judges. Such rules provide that the names of judges failing to obtain the required instruction shall be forwarded to the Commission for disciplinary review. Your name has been reported by the Court of Criminal Appeals as not having completed the required 20 hours of instruction during fiscal year 2001, the year beginning on September 1, 2000 through August 31, 2001. Enclosed as *Attachment A*, please find a sworn complaint provided to us by Roger Rountree, Executive Director of the Texas Justice Court Training Center.

In the course of its preliminary investigation into this issue, the Commission has decided to consider whether to recommend to the Supreme Court that it suspend you from further judicial service pursuant to its authority under Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges promulgated by the Supreme Court of Texas by order dated May 21, 1992. Rule 15 provides that:

Rule 15. SUSPENSION OF A JUDGE

(a) ...

(b) Upon the filing with the Commission of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of office, willful violation of the Code of Judicial Conduct, or willful and 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, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission (under Rule 6), may recommend to the Supreme Court the suspension of such person from office.

(c) When the Commission or the Supreme Court orders the suspension of a judge or justice, with or without pay, the appropriate city, county, and/or state officials shall be notified of such suspension by certified copy of such order.

**The Commission hereby puts you, Justice of the Peace M. Jackson Myers of Kaufman County, Texas, on notice that pursuant to the above cited Procedural Rule 15(b), the Commission may seek to recommend to the Texas Supreme Court that you be immediately suspended from office, pending further action by the Commission on Judicial Conduct. This action is based on the contents of the sworn complaint filed with the Commission on February 25, 2002 by Roger Rountree, Executive Director of the Texas Justice Court Training Center.**

In compliance with Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, the Commission orders that you appear before it on **Thursday, April 11, 2002 at 8:30 a.m.**, in the Commission's offices located in the William P. Clements, Jr. Building, 300 West 15<sup>th</sup> Street, Suite 415, Austin, Texas.

An appearance before the Commission is governed by Chapter 33, Section 33.022, of the Texas Government Code. While you may not invite witnesses to testify, you may invite guests to observe the hearing. You may be asked to discuss any matter relating to the above-referenced case. Please review your written responses and notify us of any changes. You are free to submit any written documents or court records that you deem material, including any affidavits or sworn statements from witnesses. Any documents you wish the Commission to consider must be received by this office no later than **3:00 p.m. on April 9, 2002.**

If you are unable to attend this hearing, you must notify the Commission in writing no later than **April 3, 2002.** Your failure to attend or provide a good cause reason for your failure to attend could result in the Commission initiating a complaint against you for failure to cooperate. The date and time of the hearing are reserved to allow you the opportunity to clarify your actions to the Commission and to allow the Commission the opportunity to more fully understand the facts and circumstances of the case. Such discussion may result in an early resolution of the issues. However, please be advised that your testimony will be under oath and may be used in subsequent proceedings. For security reasons, if you desire to invite guests to the hearing, your appearance confirmation letter should identify those persons. Of course, you have the right to be represented by an attorney.

The hearing will take place during a regularly scheduled Commission meeting; therefore, it is the Commission's policy that no requests for a continuance of the hearing will be entertained.

**EXHIBIT B**

In order for us to complete the investigation into this matter, we ask that you respond to the questions contained in item **QJ-1** attached hereto. Please write or type your answers in the space provided below each question. If you need more space, please feel free to attach additional pages. After responding to the questions, please feel free to submit any comment, explanation, or justification you believe appropriate. Additionally, please personally sign, date and verify your answer before a notary public.

We do appreciate your helping us to carry out our responsibilities and request your written response by **Friday, March 29, 2002**. If you have any questions or if we may be of assistance to you, please do not hesitate to contact Lisa Mogil, the staff attorney assigned to this matter, at (877) 228-5750 (toll free).

At the conclusion of the hearing, the Commission may vote to dismiss the matter, issue a private or public sanction against you, order that you obtain additional education, or initiate formal proceedings in order to recommend your removal and/or suspension from office. In some situations, the Commission may postpone its decision in order to obtain additional testimony or other evidence.

Thank you for your time and consideration.

Sincerely,



Margaret J. Reaves  
Executive Director

MJR/LM/et

EXHIBIT **B**

**AFFIDAVIT OF ROGER ROUNTREE**

**STATE OF TEXAS**        §  
                                     §  
**COUNTY OF TRAVIS**   §

BEFORE ME, the undersigned notary public, personally appeared Roger Rountree and upon his oath duly sworn testified as follows:

“I am over the age of 18, have never been convicted of a felony and have personal knowledge of all facts stated herein.

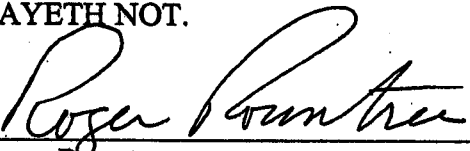
I am the Executive Director for the Texas Justice Court Training Center. As part of my duties, I ensure judges’ compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas, a copy of which is incorporated by reference and made a part of this affidavit.

Judge M. Jackson Myers, Justice of the Peace, Precinct 2, of Forney, Kaufman County, Texas, is not in compliance with Rule 3a(2) of the Rules of Judicial Education for fiscal year 2001.

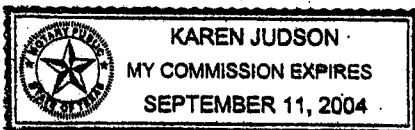
Judge Myers completed   0   hours out of the 20 required hours of education for fiscal year 2001.

Judge Myers was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2001.”

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Roger Rountree  
Executive Director, Texas Justice Court Training Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 21 day of February, 2002.



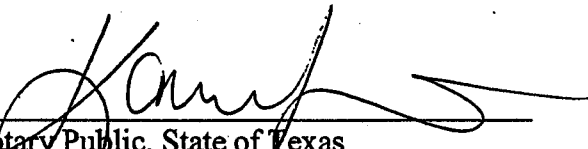
  
\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT   B

---

QJ-1  
CJC No. 02-0347-JP  
LETTER OF INQUIRY: JUDGE M. JACKSON MYERS

---

1. Please state the dates of your judicial service and the bench or benches that you serve. If you are no longer sitting as a judge, please provide the date you ceased acting as a judge.
  
2. Did you attend the required judicial education for fiscal year 2001?
  - a. If not, please explain.
  
  - b. If so, please state the location of the school, course names, and the dates you attended.
  
3. Were you granted a waiver of the required judicial education for fiscal year 2001 by the applicable education committee?

EXHIBIT **B**

4. Please provide any other relevant information regarding your attendance at judicial education seminars during fiscal year 2000.

\_\_\_\_\_  
(Judge's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

**VERIFICATION**  
CJC # 02-0347-JP

State of Texas                   §  
  §  
County of \_\_\_\_\_ §

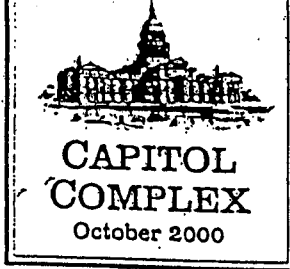
BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, who by me being first duly sworn, on his oath deposed and said that the above responses to the Commission's inquiries are based on personal knowledge, and are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
NOTARY PUBLIC, IN AND FOR THE STATE  
OF TEXAS

EXHIBIT   B





Texas State History Museum  
UNDER CONSTRUCTION

UNIVERSITY OF TEXAS  
Brazos Street

ERS



CAPITOL POLICE  
EMERGENCY ONLY:  
463-3333  
NON-EMERGENCY:  
463-3556  
CAPITOL INFORMATION  
& TOUR GUIDES  
463-0063  
CAPITOL VISITORS  
CENTER  
305-8400  
STATE TRAVEL  
INFORMATION  
463-8586  
STATE PRESERVATION  
BOARD  
463-5495  
Centennial  
Park

16th Street

WPC

CCC

THC

REJ

17th Street

CSB

15th Street

TLC

JHR

TWC

TWCK

14th Street

14th Street

13th Street

12th Street

11th Street

10th Street

GOVERNOR'S MANSION

DCG

JER SIBX  
TJR

11th Street

11th Street

EOT

10th Street

CENTRAL BUSINESS DISTRICT

10th Street

10th Street

TRS



**INFORMATION & TOURS**

The CAPITOL INFORMATION AND GUIDE SERVICE is located in the Capitol, First Floor, South Wing. FREE GUIDED TOURS are conducted regularly.

STATE TRAVEL INFORMATION is available in the Capitol Visitors Center courtesy of the Texas Department of Transportation

**KEY TO BUILDINGS**

- |  |   |
|--|---|
| ARC&LIB State Archives and Library                   | SHB Sam Houston Building                  |
| CCC Capitol Complex Child Care Center                | SIB State Insurance Building              |
| CDO Capitol District Office - Dept. Of Public Safety | SIBX State Insurance Building Annex       |
| EXT Capitol Extension Building (Underground)         | SFA Stephen F. Austin Building            |
| CSB Central Services Building                        | SCB Supreme Court Building                |
| CVC Capitol Visitors Center-Information 463-0063     | TRS Teacher Retirement System Building    |
| DCG Dewitt C. Greer Building                         | THC Texas Historical Commission buildings |
| ERS Employee Retirement System Building              | TLC Texas Law Center                      |
| EOT Ernest O. Thompson Building                      | TSHM Texas State History Museum           |
| GM Governor's Mansion                                | TWC Texas Workforce Commission Building   |
| JER James Earl Rudder Building                       | TWCK Texas Workforce Commission Annex     |
| JHR John H. Reagan Building                          | TJR Thomas Jefferson Rusk Building        |
| LBJ Lyndon B. Johnson Building                       | TCC Tom C. Clark Building                 |
| PDB Price Daniel Building                            | WBT William B. Travis Building            |
| REJ Robert E. Johnson Building                       | WPC William P. Clements, Jr. Building     |

EXHIBIT B

*Ken Owen & Associates*  
*Certified Shorthand Reporters*

BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT

CJC No. 02-0347-JP | RE: JUDGE MICHAEL MEYERS  
| JUSTICE OF THE PEACE, PRECINCT 2  
| FORNEY, KAUFMAN COUNTY, TEXAS

---

TRANSCRIPT OF PROCEEDINGS

HELD ON THURSDAY, APRIL 11, 2002

---

REPORTED BY: HOLLY SCHULZ  
TEXAS CSR NO. 6097  
AUSTIN, TRAVIS COUNTY, TEXAS

BE IT REMEMBERED THAT ON the 11th day of April, 2002, the following proceedings came on to be heard in the above-entitled matter and numbered cause before the State Commission on Judicial Conduct, Chairman Michael O'Neal presiding, held at the State Commission on Judicial Conduct, 300 West 14th Street, Austin, Texas, between the hours of 10:28 a.m. and 10:35 p.m.

801 West Avenue  
Austin, Texas 78701-2169  
(512) 472-0880 • Fax 472-6030  
email: [kenowen@swbell.net](mailto:kenowen@swbell.net) • website: [www.kenowen.com](http://www.kenowen.com)

COPY

EXHIBIT C  
"Serving our clients for over 40 years"

APPEARANCES

## COMMISSION MEMBERS:

The Honorable Michael O'Neal, Chairman  
The Honorable Kathleen Olivares, Vice-Chair  
Ms Elizabeth (Dee) Coats, Secretary  
The Honorable Keith Baker  
The Honorable Martin J. Chiuminatto, Jr.  
Mr. James A. Hall  
Mr. L. Scott Mann  
Mr. Gilbert M. Martinez

## FOR THE COMMISSION:

BY: Ms. Lisa Mogil  
COMMISSION COUNSEL  
STATE COMMISSION ON JUDICIAL CONDUCT  
P.O. Box 12265  
Austin, Texas 78711  
Telephone: (512) 463-5533  
Fax: (512) 463-0511

## FOR JUDGE MEYERS:

BY: Mr. Robert J. Provan  
PROVAN & ASSOCIATES, P.C.  
401 West 15th Street, Suite 850  
Austin, Texas 78701  
Telephone: (512) 469-9383

**EXHIBIT** C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

PAGE

Appearances.....2

Proceedings.....4

JUDGE MICHAEL MEYERS

    Examination by Ms. Mogil.....6

    Examination by Commission Members.....7

Proceedings Recessed.....9

Reporter's Certification Page.....10

**EXHIBIT C**

PROCEEDINGS

THURSDAY, APRIL 11, 2002

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HON. O'NEAL: At this time we will proceed into Cause No. CJC 02-0347-JP concerning Judge Michael Meyers.

The record has been completed and will apply in this cause as well as to the introduction of the Commission members as well as the Judge, the people that are with him, and of course, Counsel.

Judge Meyers, you are aware that the Commission is inquiring into reports submitted by the Texas Court of Criminal Appeals that you have failed to complete the required 20 hours of judicial instruction during fiscal year 2001. Additionally, based on information gathered in investigation of the complaint, the Commission is considering whether to suspend you from further judicial service pursuant to its authority under Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges.

You were notified by letter of March 11, 2002 of our concerns, and you provide a written response on March 29, 2002.

Once again, I remind you that you have chosen to keep this proceeding confidential. Only the Commission, its staff, and any individuals that you

**EXHIBIT** C

1 have invited are present. The proceeding is being  
2 recorded, and your testimony will be under oath.

3 The proceeding, all documents,  
4 statements, and evidence considered by the Commission  
5 will become public if any public sanction is issued.  
6 You are entitled to a copy of the recording of this  
7 hearing at your own expense.

8 You have the right to submit any written  
9 documentation, witness statements, affidavits, or other  
10 relevant information for the Commission's  
11 consideration. And as I said, you will be advised of  
12 the Commission's decision.

13 At this time the staff attorney assigned  
14 to the matter will ask questions. After your response,  
15 Commission members may ask additional questions. You  
16 will be given an opportunity to respond. Your attorney  
17 may also ask you questions after Commission members  
18 have completed their questioning. You and your  
19 attorney may also make a brief closing statement as to  
20 this cause.

21 Do you have any questions about this?

22 MR. PROVAN: No.

23 HON. O'NEAL: At this time I will  
24 administer the oath.

25 (Judge Meyers sworn.)

**EXHIBIT** C

1 HON. O'NEAL: Ms. Mogil, you may  
2 proceed.

3 MS. MOGIL: Judge Meyers and Mr. Provan,  
4 thank you again for being here today. I'm Lisa Mogil,  
5 Commission Counsel on this particular matter, and I'm  
6 just going to have a few brief questions for you.

7 JUDGE MICHAEL MEYERS,  
8 having been first duly sworn, testified as follows:

9 EXAMINATION

10 BY MS. MOGIL:

11 Q. Judge, you've just heard Chairman O'Neal  
12 refer to the questions sent to you by the Commission  
13 and your written response.

14 A. (Nodded head.)

15 Q. I'm going to have those included as part of  
16 your sworn testimony here today unless you have any  
17 changes or additions at this time.

18 A. (Shook head.)

19 Q. You don't, okay. Thank you.

20 Judge, is it correct that you attended  
21 none of the required 20 hours of judicial education for  
22 fiscal year 2001?

23 A. (Nodded head.)

24 Q. Okay. Thank you. And did you apply for a  
25 waiver from the Education Committee of the Texas

**EXHIBIT** C

1 Justice Training Center?

2 A. (Nodded head.)

3 Q. And did the center deny that waiver request?

4 A. (Shrugging gesture.)

5 Q. You don't know?

6 MR. PROVAN: He didn't receive it.

7 Q. (BY MS. MOGIL) He didn't receive an answer,  
8 okay. Thank you.

9 And could you please explain why --  
10 either Judge or Mr. Provan -- if you could explain why  
11 you didn't complete those education hours.

12 A. Ma'am, I've been in and out of the hospital  
13 for the last year and a half. I told them.

14 Q. Okay. And did you inform the school before  
15 or after you received a letter from them --

16 A. Uh-huh.

17 Q. -- that you didn't complete your hours?

18 A. Before.

19 Q. You complained to them before?

20 A. Uh-huh. Uh-huh.

21 Q. Okay.

22 MS. MOGIL: Thank you. I have no  
23 further questions.

24 HON. O'NEAL: Okay. Judge Chiuminatto?

25 HON. CHIUMINATTO: Judge, I guess what

**EXHIBIT** C



1 I'm confused about on the education issue is, while I  
2 understand the difficulty you may have in sitting on  
3 the bench and presiding over cases, there seems to be a  
4 conflict because you were apparently enrolled as a  
5 full-time or a part-time student during the years of  
6 2000 and 2001.

7 A. (Shook head.) I didn't attend any classes. I  
8 withdrew. I can get the documentation of that.

9 MR. PROVAN: He applied --

10 A. I applied and I was -- I applied for the  
11 classes, but I withdrew. I was in the hospital, sir.

12 Q. (BY HON. CHIUMINATTO) Okay. Well the  
13 information that we have been provided was that you  
14 were enrolled as a part-time student during the summer  
15 semester of 2000 from May 31 through August 4; and then  
16 a full-time student during the spring semester of the  
17 year 2001 from January through May to 2001.

18 A. I can show you. I can show you.

19 Q. I mean, that is incorrect?

20 A. That's incorrect.

21 HON. CHIUMINATTO: All right. Thank  
22 you. That's all.

23 HON. O'NEAL: I am not sure of the  
24 answer. Was a waiver requested from the training  
25 center?

EXHIBIT C

1 JUDGE MEYERS: Uh-huh. Yes, sir.

2 HON. O'NEAL: Thank you. Any further  
3 questions?

4 Counsel, do you care to ask your client  
5 any questions now or make a closing statement or both?

6 MR. PROVAN: Can I consult with him.

7 HON. O'NEAL: Surely.

8 (Attorney/client discussion.)

9 MR. PROVAN: We have no statement to  
10 make.

11 HON. O'NEAL: Thank you, Counsel. Thank  
12 you, Judge. At this time we will conclude this  
13 proceeding.

14 And once again, I will say that you will  
15 be advised in writing of the Commission's decision as  
16 to both these matters.

17 And you are excused. We thank you very  
18 much for appearing. Please have a safe trip back.

19 (Proceedings recessed at 10:35 a.m.)

20

21

22

23

24

25

EXHIBIT C

C E R T I F I C A T E

STATE OF TEXAS |

COUNTY OF TRAVIS |

I, HOLLY SCHULZ, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-captioned matter came on for hearing before the STATE COMMISSION ON JUDICIAL CONDUCT, The Honorable Michael O'Neal, Commission Chairman, on the 11th day of April, 2002, as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of said hearing were reported by me, accurately reduced to typewriting under my supervision and control and that the foregoing pages are a full, true, and correct transcription of said proceedings.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony was taken and, further, I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

Certified to by me this, the 23rd day of April, 2002.

*Holly Schulz*

Holly Schulz, CSR, RPR  
Texas CSR #6097  
Expiration Date: 12/31/03  
Ken Owen & Associates  
801 West Avenue  
Austin, Texas 78701  
(512) 472-0880  
(512) 472-6030 Fax

**EXHIBIT** C

Ken Owen & Associates  
(512) 472-0880 (800) 829-6936



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

---

**Inquiry Concerning  
CJC No. 02-0347-JP**

---

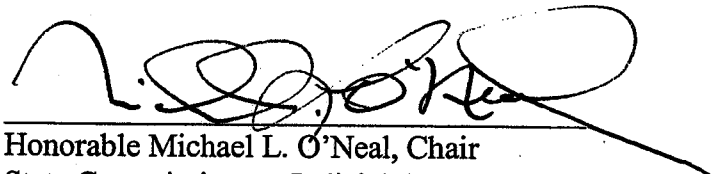
**COMMISSION'S RECOMMENDATION OF SUSPENSION**

On the 11th day of April, 2002, came on to be heard the Sworn Complaint of Roger Rountree requesting that the State Commission on Judicial Conduct ("Commission") recommend the immediate suspension of Judge Michael Jackson Myers, Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas ("Respondent").

After considering the Sworn Complaint, Respondent's written response to the Commission, the testimony of Respondent, and the argument of counsel, the Commission concluded that Respondent is incompetent to perform the duties of his office in violation of Article 5, §1-a(6)A of the Texas Constitution.

**WHEREFORE**, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, the Commission recommends that the Texas Supreme Court order the immediate suspension, without pay, of Judge Michael Jackson Myers from his office as Justice of the Peace for Precinct 2, Forney, Kaufman County, Texas, pending final disposition by the Commission of the charge pending against Respondent.

**SIGNED:** April 19, 2002.

  
Honorable Michael L. O'Neal, Chair  
State Commission on Judicial Conduct

**EXHIBIT D**