

Misc. Docket No. 02- 9095

**ORDER  
OF  
THE SUPREME COURT OF TEXAS**

The State Commission on Judicial Conduct has recommended that the Honorable Elihu Dodier, Municipal Court Judge, Houston, Harris 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 Elihu Dodier, Municipal Court Judge, Houston, Harris 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 5<sup>th</sup> day of June 2002.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS



## The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON  
XAVIER RODRIGUEZ

June 6, 2002

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

A D M I N I S T R A T I V E  
ASSISTANT  
NADINE SCHNEIDER

Ms. Margaret Reeves  
State Commission on Judicial Conduct  
Post Office Box 12265  
Austin, Texas 78711-2265

Hon. Elihu H. Dodier  
1314 Texas Avenue, Suite 608  
Houston, Texas 77002-3513

Please find enclosed, an order of suspension as ordered by the Supreme Court of Texas. Copies are also distributed as indicated below.

Sincerely,  
**SIGNED**

John T. Adams  
Clerk

Cc: State Bar General Counsel  
TX Municipal Courts Education Ctr

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. ~~02-9095~~

INQUIRY CONCERNING  
CJC No. 02-0343-MU

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 Elihu Dodier, Municipal Court Judge, Houston, Harris 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 municipal judges to complete 12 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, Elihu Dodier (hereafter "Respondent") has been a Municipal Court Judge, Houston, Harris County, Texas.

On March 11, 2002, a Sworn Complaint was filed with the Commission by Hope Lochridge, Executive Director of the Texas Municipal Courts Education 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 12, 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 May 9, 2002, at 10:30 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 May 9, 2002, Respondent appeared at the suspension hearing held before the Commission. (A true and correct copy of the transcript of the May 9, 2002 suspension hearing is attached hereto as **Exhibit C** and incorporated herein for all relevant purposes). After considering the Sworn Complaint, Respondent's testimony, and the argument of counsel, the Commission made the following findings:

1. On August 17, 2001, the Texas Municipal Courts Education Center notified Respondent that he had failed to obtain his required 12 hours of judicial education during fiscal year 2001, which commenced on September 1, 2000 and ended on August 31, 2001;
2. Respondent did not apply for, nor was granted, a waiver of his judicial education for fiscal year 2001 by the Municipal Courts Education Committee; and
3. Respondent represented during his testimony before the Commission that he did not attend the judicial education classes for fiscal year 2001 because he was undergoing personal problems, and that he did not think he qualified for an exemption from the education requirements.

Based on the evidence before it, the Commission concluded that Respondent has engaged in willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or on the administration of justice in the State of Texas.

Based on the above, the Commission recommends that the Texas Supreme Court order the immediate suspension of Respondent from his office as Municipal Court Judge, Houston, Harris County, Texas, without pay. (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 Elihu Dodier, without pay, from his office as Municipal Court Judge, Houston, Harris County, Texas, pending final disposition by the Commission of the charge pending against Respondent.

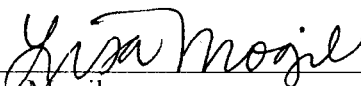
Respectfully submitted,

**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

**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 to Honorable Elihu Dodier, Municipal Court Judge, City of Houston, 1314 Texas Avenue, Suite 608, Houston Texas 77002, on this the 22<sup>nd</sup> day of May 2002, via certified mail, return receipt requested.

  
Lisa Mogil

AFFIDAVIT OF HOPE LOCHRIDGE

STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

BEFORE ME, the undersigned notary public, personally appeared Hope Lochridge and upon her 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 Municipal Courts Education 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 Elihu Dodier, Municipal Court Judge of Houston, Harris County, Texas, is not in compliance with Rule 4a(2) of the Rules of Judicial Education for fiscal year 2001.

Judge Dodier completed 0 hours out of the 12 required hours of education for fiscal year 2001.

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

FURTHER AFFIANT SAYETH NOT.

Hope Lochridge

Hope Lochridge  
Executive Director, Texas Municipal Courts Education Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 11th day of March, 2002.

Patricia Russo  
Notary Public, State of Texas

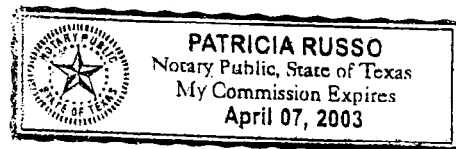


EXHIBIT A



# State Commission on Judicial Conduct **COPY**

## Officers

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

## Members

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



April 23, 2002

Executive Director  
Margaret J. Reaves

**CONFIDENTIAL**

**CERTIFIED MAIL # 7000 0600 0027 2944 9811**  
**RETURN RECEIPT REQUESTED**

Honorable Elihu Dodier  
Municipal Court Judge  
City of Houston  
1314 Texas Avenue, Ste. 608  
Houston TX 77002

Re: CJC No. 02-0343-MU

Dear Judge Dodier:

On March 12, 2002, the State Commission on Judicial Conduct notified you that it may seek to recommend to the Texas Supreme Court that you be immediately suspended from office based on the contents of the sworn complaint filed with the Commission on March 11, 2002 by Hope Lochridge, Executive Director of the Texas Municipal Courts Education Center. In our March 12<sup>th</sup> letter, the Commission requested that you appear before it at its April meeting to provide testimony regarding the complaint; however, you explained to Lisa Mogil, the staff attorney assigned to this matter, that you only recently received our letter and were unaware of the hearing. Based on your explanation, the Commission is providing you with another opportunity to testify regarding the above-referenced complaint.

In the course of its 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, Municipal Court Judge Elihu Dodier of Harris 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 March 11, 2002 by Hope Lochridge, Executive Director of the Texas Municipal Courts Education Center, enclosed as Attachment A.**

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 requests that you appear before it on **Thursday, May 9, 2002, at 10:30 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 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 May 8, 2002.**

If you are unable to attend this hearing, you must notify the Commission in writing no later than **May 6, 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.

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.

EXHIBIT   **B**

Thank you for your time and consideration.

Sincerely,



Margaret J. Reaves  
Executive Director

MJR/et  
Encl.

EXHIBIT B

AFFIDAVIT OF HOPE LOCHRIDGE

STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

BEFORE ME, the undersigned notary public, personally appeared Hope Lochridge and upon her 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 Municipal Courts Education 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 Elihu Dodier, Municipal Court Judge of Houston, Harris County, Texas, is not in compliance with Rule 4a(2) of the Rules of Judicial Education for fiscal year 2001.

Judge Dodier completed 0 hours out of the 12 required hours of education for fiscal year 2001.

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

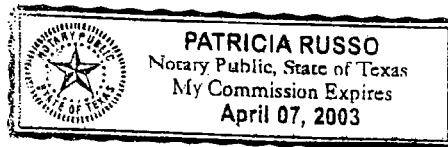
FURTHER AFFIANT SAYETH NOT.

Hope Lochridge

Hope Lochridge  
Executive Director, Texas Municipal Courts Education Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 11th day of March, 2002.

Patricia Russo  
Notary Public, State of Texas



ATTACHMENT  
A

EXHIBIT B

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Herb Elitru Dodier  
1314 Texas Ave, Ste 608  
Houston TX 77002

02-0343-mu/hm/et

2. Article Number (Copy from service label)

7000 0600 0027 2944 9811

**COMPLETE THIS SECTION**

A. Received by (Please Print Clearly) Medie Vargas B. Date of Delivery \_\_\_\_\_

C. Signature [Signature]  Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
 No  
 \* If YES, enter delivery address below:

Received by [Signature]

MAY 02 2002

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.C.D.

4. Restricted Delivery? (Extra Fee)  Yes

STATE COMMISSION  
OFFICIAL CONDUCT

EXHIBIT B

© 2002

1                   BEFORE THE STATE COMMISSION  
2                   ON JUDICIAL CONDUCT

3                   | RE:    JUDGE ELIHU H. DODIER

4                   |

5 CJC NO. 02-0343-MU | MUNICIPAL COURT JUDGE

6                   |

7                   | HOUSTON, HARRIS CCUNTY, TEXAS

8  
9                   TRANSCRIPT OF PROCEEDINGS  
10                  HELD ON THURSDAY, MAY 9, 2002

11  
12  
13  
14 REPORTED BY:   HOLLY SCHULZ  
15                   TEXAS CSR NO. 6097  
16                   AUSTIN, TRAVIS COUNTY, TEXAS

17  
18                  BE IT REMEMBERED THAT ON the 9th day of May, 2002,  
19 the following proceedings came on to be heard in the  
20 above-entitled matter and numbered cause before the  
21 State Commission on Judicial Conduct,  
22 Chairman Michael O'Neal presiding, held at the State  
23 Commission on Judicial Conduct, 300 West 14th Street,  
24 Austin, Texas, between the hours of 10:39 a.m. and  
25 11:04 a.m.

EXHIBIT             
          C

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1 APPEARANCES  
 2  
 3 COMMISSION MEMBERS:  
 4 The Honorable Michael O'Neal, Chairman  
 5 The Honorable Kathleen Olivares, Vice-Chair  
 6 Ms. Elizabeth (Dee) Coats, Secretary  
 7 Hon. Keith Baker  
 8 Hon. Martin J. Chiuminatto, Jr.  
 9 Mr. James A. Hall  
 10 Mr. Ronald D. Krist  
 11 Mr. L. Scott Mann  
 12 Mr. Gilbert M. Martinez  
 13 Hon. Joseph B. Morris  
 14  
 15 FOR THE COMMISSION:  
 16 BY: Ms. Lisa Mogil  
 17 COMMISSION COUNSEL  
 18 STATE COMMISSION ON JUDICIAL CONDUCT  
 19 P.O. Box 12265  
 20 Austin, Texas 78711  
 21 Telephone: (512) 463-5533  
 22 Fax: (512) 463-0511  
 23  
 24  
 25

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1 PROCEEDINGS  
 2 THURSDAY, MAY 9, 2002  
 3 HON. O'NEAL: Today is Thursday, May 9,  
 4 2002. My name is Michael O'Neal, and I am the Chair of  
 5 the State Commission on Judicial Conduct.  
 6 We are here on CJC No. 02-0343-MU  
 7 concerning Judge Elihu Dodier, Municipal Court Judge,  
 8 Houston, Harris County, Texas.  
 9 I will ask the members of the Commission  
 10 to introduce themselves for the record.  
 11 HON. BAKER: Keith Baker.  
 12 HON. MARTINEZ: Gilbert Martinez.  
 13 HON. KRIST: Ronald Krist.  
 14 HON. CHIUMINATTO: Martin Chiuminatto.  
 15 HON. OLIVARES: Kathleen Olivares.  
 16 HON. COATS: Dee Coats.  
 17 HON. HALL: Jim Hall.  
 18 HON. MANN: Scott Mann.  
 19 HON. MORRIS: Joseph Morris.  
 20 HON. O'NEAL: Judge Dodier, would you  
 21 please identify yourself for the record.  
 22 JUDGE DODIER: My name is Elihu Dodier.  
 23 I'm a Municipal Court Judge -- Associate Municipal  
 24 Court Judge for the City of Houston.  
 25 HON. O'NEAL: Now, you have the right to

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 5 JUDGE ELIHU H. DODIER  
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 7 Examination by Commission Members  
 8 Hon.....  
 9 Closing Statement.....  
 10 Proceedings Recessed.....  
 11 Reporter's Certification Page.....  
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1 be represented by counsel, and I noted that you do not  
 2 have counsel present today; is that correct?  
 3 JUDGE DODIER: That's correct.  
 4 HON. O'NEAL: Is anyone present at this  
 5 hearing at Judge Dodier's invitation? Is there anyone  
 6 else here?  
 7 JUDGE DODIER: No, there is not.  
 8 HON. O'NEAL: Judge, you are aware that  
 9 the Commission is inquiring into a report submitted by  
 10 the Texas Court of Criminal Appeals that you failed to  
 11 complete the required 12 hours of judicial instruction  
 12 during fiscal year 2001. Additionally, based on  
 13 information gathered in investigation of the complaint,  
 14 the Commission is considering whether to suspend you  
 15 from further judicial service pursuant to its authority  
 16 under Rule 15(b) of the Procedural Rules for the  
 17 Removal or Retirement of judges.  
 18 You were notified by letter of March 12  
 19 of our concerns and you provided a written response  
 20 April 24, 2002.  
 21 Now, you have chosen to keep this  
 22 proceeding confidential. Only the Commission, it's  
 23 staff, or any individuals you may have invited are  
 24 present. The proceeding is being recorded and your  
 25 testimony will be under oath. The recording of this

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

6 Judge Dodier, you have the right to  
7 submit any written documentation, witness statements,  
8 affidavits, or other relevant information for the  
9 Commission's consideration. You will be advised in  
10 writing of the Commission's decision.

11 A staff attorney assigned to the matter  
12 will ask you questions. After you have answered those  
13 questions, Commission members may ask additional  
14 questions. You will be given an opportunity to  
15 respond. You also may make a brief closing statement.

16 Do you have any questions about what I  
17 have read to you?

18 JUDGE DODIER: No, I understand fully.  
19 Thank you.

20 HON. O'NEAL: If you will please stand  
21 and raise your right hand and be sworn.  
22 (Judge Dodier sworn.)

23 HON. O'NEAL: You may proceed.

24 MS. MOGIL: Thank you, Mr. Chairman.  
25

1 again for another two years.

2 **Q. Thank you. And could you please explain the  
3 process by which you are assigned to hear cases.**

4 A. Basically the presiding judge has a staff  
5 member that prepares a schedule for us and there's -- I  
6 don't remember how many courts, municipal courts in  
7 Houston, but there's quite a few, and, of course,  
8 there's a lot of associate judges that work only  
9 part-time, like myself. And we are assigned to the  
10 various daytime courts and also nighttime courts.

11 Unfortunately after the flood last June,  
12 Alison brought destruction to the courthouse and the  
13 municipal court. All of the basement floor was  
14 completely flooded and destroyed, so therefore, a lot  
15 of the positions that associate judges used to get are  
16 now being handled by the full-time judges so that the  
17 associate judges are not -- for the past year have not  
18 been working very much. We've been assigned maybe once  
19 or twice a month. I know that I've gone two or three  
20 months without being assigned to a court.

21 So that's basically -- it's at the  
22 judge's -- it's at the presiding judge's discretion how  
23 they are going to assign us to what court and at what  
24 time.

25 **Q. Okay. To move on to the education matters,**

1 JUDGE ELIHU H. DODIER,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MS. MOGIL:

5 **Q. Judge Dodier, thank you for being here today.  
6 We've spoken on the phone and we met briefly this  
7 morning. For the record, I'm Lisa Mogil, Commission  
8 Counsel for this matter.**

9 **Judge, you've heard Chairman O'Neal  
10 refer to questions sent to you by the Commission and  
11 the responses that you provided. Have you had a chance  
12 to review those responses?**

13 A. Yes, I did them myself.

14 **Q. Okay. And unless you have any changes or  
15 additions at this time, I'm going to have those  
16 included as part of today's record.**

17 A. I have no objection.

18 **Q. Thank you. To start off to provide some  
19 background, could you please state the dates of your  
20 judicial service.**

21 A. I was appointed to the Municipal Court bench  
22 in Houston by Mayor Whitmire, and I believe it was in  
23 January of 1983. And I have served there continuously,  
24 been reappointed by the consecutive mayors after that  
25 up until just recently. Mayer Brown reappointed me

1 **is it correct that you attended none of the required  
2 12 hours of education for fiscal year 2001?**

3 A. That is correct.

4 **Q. Okay. And did the Texas Municipal Court's  
5 Education Center notify you that you had not completed  
6 those hours?**

7 A. I think there was some -- there was a  
8 notification sent to me by the Municipal Court  
9 Education Center, and they did send me that notice.

10 **Q. Okay. And did you apply for a waiver from  
11 the Education Committee?**

12 A. No, I did not.

13 I had the waiver form, and as I  
14 explained on my responses, I was in the middle of a  
15 contested divorce hearing, a custody battle and it -- I  
16 had a problem with too many things on my mind. And I  
17 noticed the reasons for waivers were including medical  
18 conditions and things like that, and I thought, well, I  
19 don't necessarily -- I don't necessarily qualify for  
20 those type of exemptions.

21 And like I said, I probably could have  
22 made up some reason to ask for the exemption, I just  
23 didn't do it.

24 **Q. And could you explain why you didn't attend  
25 the course that you were originally signed up for?**



1 A. I was scheduled to, I believe, attend the  
2 course that was going to be given in South Padre  
3 Island. And the weekend came up and there was, you  
4 know, some problems at home and things. It was just  
5 one of those things that just things kind of piled up  
6 on me and I decided not to go to that one.

7 I think there was one or two more  
8 courses that were going to be given during the year  
9 that would have still be within the -- and I had  
10 intended to sign up for those courses, but as luck  
11 would have it, I did not. Those dates came and went  
12 and I didn't sign up for them.

13 But it was my intention to sign up for a  
14 subsequent course, and I did not.

15 **Q. And then did you eventually sign up and**  
16 **attend another course?**

17 A. Yes. I went to the January course in  
18 San Antonio and attended that one. I believe I  
19 received all of my certificates from the Municipal  
20 Court Training Center.

21 And, as I explained in my responses,  
22 there is another course that will be given in June in  
23 El Paso, and I would be willing to go to that one if it  
24 was acceptable for the Commission for me to make up the  
25 other 12 hours that I did not take in 2001.

1 don't get notice of that certified letter even though  
2 somebody signed for it.

3 And when I got this letter it was -- I  
4 believe the day that I spoke with you and I forgot what  
5 day that was. But when I opened the letter and I  
6 noticed that I was supposed to have responded to some  
7 questions; the response date was already over and the  
8 hearing date was already over.

9 And so on that day immediately I called  
10 Ms. Mogil and I advised her of that situation. I  
11 explained to her that it was not -- you know, it was  
12 not something that I had just not been paying attention  
13 to, it's just that I was not notified that I had  
14 received that notice from the Commission. But I did  
15 respond immediately, and I asked to see if there was  
16 the possibility of having a hearing with the Commission  
17 again.

18 **Q. Okay. And since then have you taken any**  
19 **other steps to ensure that you would receive that type**  
20 **of mail in the future?**

21 A. I spoke with -- and I'm trying to think if it  
22 was with you or somebody in your staff -- and explained  
23 to them to please send any further notices from now on  
24 to me personally at my office. There I do get -- my  
25 secretary gives me -- and gives me the mail as soon as

1 **Q. Okay. And the January course that you're**  
2 **referring to is January 2002?**

3 A. That's correct. That's correct.

4 **Q. Okay. Thank you.**

5 **As far as the notice of the hearing that**  
6 **we had last month, the Commission had send you**  
7 **questions originally and notice of the April 10th**  
8 **hearing on March 12th and also sent you a follow-up**  
9 **letter on April 4th by certified mail which was signed**  
10 **by somebody in your office.**

11 A. Right.

12 **Q. Can you let the Commission know when you did**  
13 **receive these notices?**

14 A. I find these type of letters and these types  
15 of notices to be extremely important. I certainly  
16 didn't take them lightly, and I certainly do not look  
17 at them as something that can be blown off and  
18 forgotten about.

19 I was very upset to find out -- because  
20 I had brought this issue to Judge Mejia, our presiding  
21 judge, before, that we get these notices or we get  
22 these letters, certified mail at the courthouse. And  
23 especially the associate judges, we may be there once  
24 every two or three months, and nobody calls us and  
25 tells us, hey, you received a certified letter. So we

1 they sign off for it, and if I get any kind of  
2 certified mail, I know that it's that same day.

3 The reason I didn't get this certified  
4 mail is, like I said, the associate judges have not  
5 been working very regularly since the flood since three  
6 or four of the courtrooms were flooded. The associate  
7 judges have been lucky to get one assignment every two  
8 or three months.

9 I think I worked this year at the  
10 municipal court, I've worked three or four times and  
11 three of these times were at the Mykawa Road  
12 Courthouse, which is on the other side of the world.  
13 And we don't -- so I've been to the main courthouse  
14 where we receive our mail only, I believe, twice this  
15 year.

16 So, you know, I've asked the court, I've  
17 asked the Commission to notify me at my office. That  
18 will ensure that I do get anything. And I believe  
19 you-all have made that change in my records --

20 **Q. That's right.**

21 A. -- to get my mail to me at my office.

22 MS. MOGIL: Thank you. I have no  
23 further questions at this time, Mr. Chairman.

24 THE COURT: Judge Baker?

25 HON. BAKER: No questions, sir. Thank

1 you, sir.

2 HON. O'NEAL: Mr. Martinez?

3 EXAMINATION

4 BY HON. MARTINEZ:

5 **Q. Judge, you're here before us because you feel**  
6 **it's that important --**

7 A. Absolutely.

8 **Q. -- to address this, but yet I'm bothered by**  
9 **the fact that the weekend of April the 30th to May the**  
10 **1st, which was only a couple of days in Padre Island,**  
11 **that other things had priority over you receiving**  
12 **your --**

13 A. Sir, I understand.

14 **Q. -- continuing education. So I'm bothered by**  
15 **that, Judge.**

16 A. Well, as I stated, there were, I believe,  
17 another one to two more courses that were going to come  
18 afterwards, and I had decided, you know, that it was  
19 not going to be convenient for me to go to that course,  
20 I would just resign up for a subsequent one.

21 And as I stated, it was not -- I've been  
22 a municipal court judge and an associate judge for the  
23 past 20 years, almost 20 years, and I've never missed a  
24 course. So it's not been something that I take lightly  
25 or just ignore. I've always been very diligent, not

1 A. That's correct.

2 **Q. And then to retain -- to keep from being**  
3 **suspended as a lawyer, what is the requirement?**

4 A. I think it's 15 hours.

5 **Q. 15 hours?**

6 A. 15 or 16 hours. Usually if you take your  
7 judicial course that takes care of your law courses,  
8 your CLE courses for -- as a lawyer, a professional.

9 **Q. Almost an offset --**

10 A. Right, right.

11 **Q. -- I guess it would be two or three more**  
12 **hours?**

13 A. That's correct.

14 **Q. What would happen to a lawyer if a lawyer did**  
15 **not complete his required CLE?**

16 A. I've never had -- I've never had or I've  
17 never been notified by the State Bar that I'm -- I  
18 think one of my associates in my office once had a  
19 situation like that where he said, you know, he had  
20 been notified that if he didn't do his course work by a  
21 certain period that he would be -- you know, he could  
22 be reprimand by the State Bar.

23 And I believe the State Bar will notify  
24 you and tell you if you don't take your course by your  
25 birthday on a given date, then you will be subject to a

1 only in taking the courses for the municipal court, but  
2 also in family law and criminal law, which are the  
3 areas that I practice in. And so I've always had more  
4 than enough hours to take care of any judicial  
5 education.

6 But on that particular -- like I said,  
7 since 2000 to 2002 I was involved in a divorce  
8 proceeding that kind of, you know, took -- well, I  
9 won't say -- it took precedence in the sense of my mind  
10 was not in the usual mode of just concentrating on my  
11 work and doing what I had to do.

12 HON. MARTINEZ: Thank you, Judge.

13 A. And that's been the only reason that I can  
14 offer this Commission.

15 HON. MARTINEZ: Thank you.

16 HON. O'NEAL: Mr. Krist?

17 HON. KRIST: Nothing.

18 HON. O'NEAL: Judge Chiuminatto?

19 EXAMINATION

20 BY HON. CHIUMINATTO:

21 **Q. Judge, as I understand, you are a lawyer**  
22 **also; is that correct?**

23 A. That is correct.

24 **Q. So for a municipal court judge you're**  
25 **required to get 12 hours per year?**

1 reprimand or be subject to suspension. And I believe  
2 the State Bar gives you some kind of a notice telling  
3 you that you have to do it by a certain date otherwise  
4 you lose.

5 And that's the only thing I can refer  
6 to, because I've never had that happen to me. I've  
7 never had that notification.

8 **Q. Judge, each year in August most -- I know at**  
9 **least judges of courts of record receive a rather**  
10 **voluminous printout of the listing of judges that have**  
11 **been suspended from the practice of law, either for**  
12 **nonpayment of --**

13 A. Judges or lawyers.

14 **Q. -- bar dues or occupational tax or**  
15 **CLE requirements, that type of thing. Do you as an**  
16 **associate judge, do you receive a compilation of that**  
17 **list?**

18 A. (Short pause.)

19 **Q. Apparently not.**

20 A. Other than the State Bar -- I mean the State  
21 Bar journal that we get, I do not believe the associate  
22 judges get any kind of list. And I may be mistaken,  
23 because, you know, we do get various correspondence,  
24 but I don't recall if we do get one or not.

25 **Q. Well, that's kind of ancillary. But the**

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1 point I'm trying to make is that the continuing legal  
2 education requirements are considered very fundamental  
3 and very important, not just to the judiciary, but also  
4 for the Bar, and if you don't get your CLE requirements  
5 for the Bar, you're subject also to suspension until  
6 you can complete those requirements.

7 A. That's correct.

8 Q. When would be the earliest date that you  
9 could make up that last for 2001?

10 A. Like I said, I took the course on January of  
11 2002, that one in San Antonio, and there's another one  
12 scheduled in June of 2002.

13 Q. Next month?

14 A. Next month. And that one is scheduled in  
15 El Paso. There was one scheduled for Padre Island in  
16 the first week of May, but that was already sold out,  
17 you might say. It was already closed, because they had  
18 too many people signed up for it. And I'm pretty sure  
19 the one in El Paso will not have that problem.

20 So, you know, I could -- if the  
21 Commission thought that or felt that that would be the  
22 way to resolve this issue -- I could go to the one in  
23 El Paso and take care of that one and that would  
24 hopefully make up the 12 hours that I did not take for  
25 2001.

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1 these things. But that's the law.

2 And in your court you're responsible for  
3 upholding the law, and that's our role. And whatever  
4 we do is not about punishment, it's just about trying  
5 to fulfill our obligation to the citizens of this State  
6 and ensuring that their judges have received all of the  
7 education and are qualified judges.

8 A. That's right.

9 Q. And we believe very strongly of that. And  
10 it's not convenient. It's even less convenient for  
11 people like yourself who -- you're not on the city  
12 payroll when you go to those classes. I understand.  
13 That's lost income for you. But it's still what the  
14 law requires. And that's why we are so firm about that  
15 is because that's what we're charged with doing.

16 A. If I may say something.

17 Q. Please, Judge.

18 A. There's always a course offered in Houston,  
19 Texas and I've come to the point where I don't want to  
20 take the one in Houston, because there's too many  
21 distractions with a private practice. I don't -- and  
22 thank God -- I don't depend on municipal courts for my  
23 livelihood. You know, that is more of an honorary --  
24 to me it's more of an honorary position and I do it  
25 very willingly and very -- and I enjoy that. I enjoy

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1 HON. CHIUMINATTO: Thank you.

2 HON. OLIVARES: No questions.

3 HON. COATS: None.

4 HON. HALL: You have not registered for  
5 the one in El Paso yet?

6 JUDGE DODIER: Not yet. I was going to,  
7 but I do intend to. I thought that would be --

8 EXAMINATION

9 BY HON. MANN:

10 Q. Judge, do you understand we don't make the  
11 rules. We certainly don't make the education rules.  
12 And we're very comfortable with just being in the  
13 rule-enforcement role. That's enough work for us. And  
14 the only objective standard we have in terms of is this  
15 judge educated and qualified to serve as a judge, the  
16 only objective standard we have in terms of education  
17 is did she or he get their education. And that's a yes  
18 or no. It's not a matter of punishing the judge, it's  
19 a matter of fulfilling our obligation to the State of  
20 Texas and the citizens of this State.

21 I know those are inconvenient, and one  
22 reason I know it is because I teach them. And I get  
23 paid the same amount for teaching them that you do for  
24 attending them. And they're not convenient. It's a  
25 long drive from Lubbock, Texas to Houston, Texas for

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1 doing that position.

2 But when I take the course, I prefer  
3 driving to San Antonio or to Austin, or to some other  
4 city, because that way you leave your private practice  
5 behind and you're able to concentrate on your -- on the  
6 course. And that's what I prefer doing.

7 They're not convenient in the sense of  
8 it takes away from your private practice, but I do it  
9 willingly and I've done it for the past 20 years, with  
10 the exception of 2001. I've done it and I've enjoyed  
11 it. I don't have any --

12 Q. Was this your divorce you were involved in?

13 A. Yes. It was not somebody else's divorce; it  
14 was my own, right.

15 Q. Well, I kind of assumed that, but I wanted  
16 to --

17 A. Right, right.

18 HON. MANN: Okay. Thank you, Judge.

19 JUDGE DODIER: No, I do divorce work in  
20 my practice, but that was -- it's a lot different when  
21 it's your own than when it's somebody else's.

22 HON. MORRIS: I have no questions.

23 EXAMINATION

24 BY HON. O'NEAL:

25 Q. Are you aware, Judge, that there is an

1 education rule in the municipal courts program that you  
2 can opt out if you had had something like advanced  
3 criminal law or something like that?

4 A. I was going to advise the Commission that I  
5 did sign up, that I have already signed up for the  
6 advanced criminal law seminar, which will be given in  
7 Houston, Texas on June 22nd and 23rd and 24th. It's a  
8 four-day course. And so I'm going to be attending that  
9 course. And that would probably -- well, that might be  
10 after the one in El Paso, but I would still be willing  
11 to go to the one in El Paso, because that would be  
12 earlier.

13 Q. Let me advise you to check your calendar,  
14 because the El Paso one is July.

15 A. Oh, is it? Okay.

16 Q. Yeah, I believe.

17 A. Okay. Maybe I've got my June and July mixed  
18 up. It could be July. It could be July.

19 HON. O'NEAL: But in any event, thank  
20 you.

21 Any further questions for the Judge?

22 It's your opportunity now to make any  
23 statements that you wish that we feel we should know,  
24 if there's any other information.

25 JUDGE DODIER: I think I've stated it

1 being here. I don't want to -- I was telling Lisa -- I  
2 don't want to get familiar with your rules and your  
3 regulations and the way you operate, because I really  
4 don't care to be here again. And I hope that that's  
5 not going to happen again.

6 I would just ask the Commission to  
7 consider my record and give me the opportunity,  
8 perhaps, to make it up rather than to be suspended, if  
9 that's possible.

10 And I'm not -- I didn't read up on the  
11 Commission's authority as to what you can and cannot  
12 do, but if that is possible, then I would request that  
13 the Commission would consider doing that.

14 That's all I have. Thank you very much  
15 for -- thank you for allowing me to appear late, even  
16 though I didn't appear like I should have at the very  
17 beginning.

18 HON. MARTINEZ: Mr. Chairman, may I make  
19 a comment, please, sir?

20 THE COURT: Briefly.

21 HON. MARTINEZ: I would recommend that  
22 you find out when the meeting in El Paso is, because  
23 what if it's full already like the one in -- and where  
24 are you going to be if you can't attend that one?

25 JUDGE DODIER: I will make plans to be

1 all to the Commission. It's just, like I said, I hope  
2 that my record of 20 years of service in the municipal  
3 court speaks more than the one mistake that I've made  
4 in not getting to this course on time.

5 I have worked diligently. I don't  
6 believe I've ever had -- or at least I've never been  
7 notified by the Commission that a complaint has been  
8 filed against me with the Commission with the work that  
9 I do.

10 And I have handled -- I've tried to  
11 calculate how many thousands of cases I've done in the  
12 municipal court and we handle -- as the Commission well  
13 knows, that the municipal court is the people's court.  
14 That's the one that you -- every night I might handle  
15 200 or 300 or 400 cases. Every hour we handle, you  
16 know between 75 to 100 cases that we have to move every  
17 hour, so with that type of operation, I feel very  
18 fortunate that I've been able to do my work for the  
19 past 20 years and never had a complaint filed.

20 I'm not saying that I have all those  
21 satisfied customers, but they certainly have not been  
22 dissatisfied with the way I treated them and I have not  
23 had any complaints filed with the Commission.

24 I find this being very embarrassing,  
25 having to be before the Commission. I don't enjoy

1 there, even if it means postponing whatever cases I  
2 have on the docket in the courthouse in Houston, Texas.

3 HON. MARTINEZ: Thank you.

4 JUDGE DODIER: But I will make it a  
5 point to be there. That would be without a doubt.

6 And Judge O'Neal, I think, is correct.  
7 It probably is in July. I believe the first -- and I  
8 don't recall -- I had the printout, but I don't recall  
9 what day it is. But I know that I'm going to be going  
10 also to the one in June in Houston, the criminal law  
11 seminar. And I knew that you can opt out if you have  
12 that count as your --

13 HON. O'NEAL: I was thinking that more  
14 back for your fiscal 2001. But anyway, attend.

15 JUDGE DODIER: Absolutely. I plan to,  
16 believe me. Thank you very much.

17 HON. O'NEAL: Thank you, Judge. We  
18 appreciate you coming in. Have a safe trip back.

19 (Proceedings recessed at 11:04 a.m.)  
20  
21  
22  
23  
24  
25

1 CERTIFICATE

2  
3 STATE OF TEXAS |  
4 COUNTY OF TRAVIS |  
5

6 I, HOLLY SCHULZ, Certified Shorthand Reporter in  
and for the State of Texas, do hereby certify that the  
7 above-captioned matter came on for hearing before the  
STATE COMMISSION ON JUDICIAL CONDUCT, The Honorable  
8 Michael O'Neal, Commission Chairnan, on the 9th day of  
May, 2002, as hereinbefore set out.

9  
10 I FURTHER CERTIFY THAT the proceedings of said  
hearing were reported by me, accurately reduced to  
11 typewriting under my supervision and control and that  
the foregoing pages are a full, true, and correct  
transcription of said proceedings.

12  
13 I further certify that I am neither attorney or  
counsel for, related to, nor employed by any parties to  
14 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  
15 interested in the action.

16 Certified to by me this, the 13th day of May,  
2002.

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<p>4</p> <p>4 3:4 4th 11:9 400 23:15 463-0511 2:14 463-5533 2:14 472-0880 26:24 472-6030 26:24</p> <hr/> <p>5</p> <p>512 2:14,14 26:24,24</p> <hr/> <p>6</p> <p>6 3:6 6097 1:14</p> <hr/> <p>7</p> <p>75 23:16 78701 26:23 78711 2:13</p> <hr/> <p>8</p> <p>801 26:23</p> <hr/> <p>9</p> <p>9 1:10 4:2,3 9th 1:18 26:8</p>				
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BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT

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Inquiry Concerning  
CJC No. 02-0343-MU

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COMMISSION'S RECOMMENDATION OF SUSPENSION

On the 9th day of May, 2002, came on to be heard the Sworn Complaint of Hope Lochridge, Executive Director of the Texas Municipal Courts Education Center of Austin, Travis County, Texas, requesting that the State Commission on Judicial Conduct ("Commission") recommend the immediate suspension of Judge Elihu Dodier, Municipal Court Judge, Houston, Harris 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 has engaged in willful and persistent conduct that is clearly inconsistent with the proper performance of his duties and which casts public discredit on the judiciary and on the administration of justice 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 Elihu Dodier, Municipal Court Judge, Houston, Harris County, Texas, pending final disposition by the Commission of the charge pending against Respondent.

SIGNED: May 17, 2002.

A handwritten signature in black ink, appearing to read "Michael L. O'Neal", written over a horizontal line.

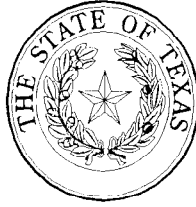
Honorable Michael L. O'Neal, Chair  
State Commission on Judicial Conduct

EXHIBIT D

# 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 Mann  
Keith Baker  
Martin Chiuminatto, Jr.  
Gilbert M. Martinez  
James A. Hall  
Ronald D. Krist  
Joseph B. Morris

May 22, 2002

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

Re: Inquiry Concerning CJC No. 02-0343-MU

Dear Mr. Adams:

Enclosed for filing are the original and 14 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 Elihu Dodier  
1314 Texas Avenue, Ste. 608  
Houston TX 77002

VIA CERTIFIED MAIL NO.  
7000 0600 0027 2945 0534

# 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  
Joseph B. Morris



Executive Director  
Margaret J. Reaves

May 22, 2002

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

Re: Inquiry Concerning CJC No. 02-0343-MU

Dear Mr. Adams:

Enclosed for filing are the original and 14 corrected copies of the transcript of the May 9, 2002 suspension hearing, to be attached as **Exhibit C** and incorporated herein for all relevant purposes in the above-referenced matter for the Court's consideration. I ask that you please file stamp two of the copies provided and return them for our records. I apologize for any inconvenience this has caused the Court.

By copy of this letter, I am providing the subject judge a true and correct copy of the transcript of the May 9, 2002 suspension hearing.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Mogil".

Lisa Mogil  
Commission Counsel

LM/cv

Enclosures

xc: Honorable Elihu Dodier  
1314 Texas Avenue, Ste. 608  
Houston TX 77002

VIA CERTIFIED MAIL NO.  
7000 0600 0027 2945 0015

ORIGINAL

**ELIHU H. DODIER**  
Attorney at Law  
1314 Texas Avenue, Suite 608  
Houston, Texas 77002-3513

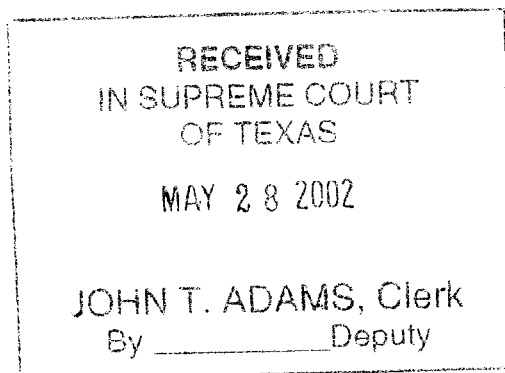
Telephone  
(713) 655-9300

Telecopier  
(713) 655-9329

May 25, 2002

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

RE: Misc. Docket No. 02-9095



Dear Mr. Adams:

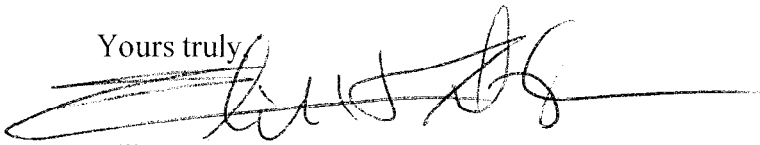
Enclosed is the information we spoke about yesterday in reference to the State Commission on Judicial Conduct's *Request for Order of Suspension*. As I stated to you, Lisa Mogil, Counsel for the SCJC suggested that I contact the Court directly regarding this request.

On January 17-18, 2002, I completed a Texas Municipal Courts Education Center (TMCEC) approved 12 hour course for judges (See attached copy of my Certificate of Completion). I am also pre-registered to attend the next available TMCEC course to be given in El Paso, Texas on July 2-3, 2002 (See attached pre-registration form submitted to the TMCEC). Attending the El Paso course will satisfy the Commission's requirement that I comply with my educational requirements for fiscal years 2001 and 2002 within six months of the date of suspension.

In an effort to avoid an Order of Suspension, I would like to request that the Supreme Court consider postponing action on the Commission's request until after July 4<sup>th</sup> to give me the opportunity to comply with the Commission's order and thereby avoid an order of suspension. I will provide the Court proof of my attendance at this course immediately upon completion.

Thank you for your assistance. I appreciate the Court's consideration of this request.

Yours truly

A handwritten signature in black ink, appearing to read 'Elihu H. Dodier', written over a horizontal line.

Elihu H. Dodier  
EHD;ed

Cc: Lisa Mogil, Commission Counsel  
State Commission on Judicial Conduct  
P. O. Box 12265  
Austin, Texas 78711-2265

SENT BY CERTIFIED MAIL NO.  
7001 1940 0005 0920 0066



# ***THE TEXAS MUNICIPAL COURTS EDUCATION CENTER***

*of the*

***TEXAS MUNICIPAL COURTS ASSOCIATION***

*Be It Known That*

***Judge Elihu H. Dodier***

*Has successfully completed the course of  
study in judicial education in fulfillment  
of the annual requirements set forth in the  
Rules of Judicial Education by order of  
the Texas Court of Criminal Appeals.*

Course attended:

***San Antonio 12-Hour Judges Seminar***

***January 17-18, 2002***



A handwritten signature in black ink, appearing to read "Elihu H. Dodier", written over a horizontal line.

President  
Texas Municipal Courts Association

A handwritten signature in black ink, appearing to read "Doree Beckwith", written over a horizontal line.

Executive Director  
Texas Municipal Courts Education Center

*Funded by a grant from the Texas Court of Criminal Appeals*



**TEXAS MUNICIPAL COURTS EDUCATION CENTER  
2001-2002 Registration Form**

Seminar Date: July 2-3, 2002 Seminar Site: El Paso

Type of Program:  Judge  Clerk  Court Administrator  Prosecutor  Warrant Officer/Bailiff\*

*TMCEC computer data is updated from the information you provide. Please print legibly and fill out form completely.*

Last Name: <u>Dodier</u>	First Name: <u>Elihu</u>	MI: <u>H.</u>
Male/Female: <u>M</u>	Position Held: <u>Associate Judge</u>	
Date Appointed/Elected/Hired: <u>1983</u>	Years Experience: <u>20</u>	

**HOUSING INFORMATION**

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a single occupancy room at all seminars: four nights at the 32-hour seminars and two nights at the 12-hour seminars. To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.  
 I need a room shared with a seminar participant. Please indicate roommate by entering seminar participant's name: \_\_\_\_\_ (Room will have 2 double beds.)  
 I need a private, double-occupancy room, but I'll be sharing with a guest. (I will pay additional cost, if any, per night.) I will require:  1 king bed  2 double beds  
 I do not need a room at the seminar.

Date arriving: 7-1 Arriving by:  Car  Airplane  Smoker  Non-Smoker

**COURT MAILING ADDRESS**

*It is TMCEC policy to mail all correspondence directly to the court address.*

Municipal Court of: Houston Mailing Address: 1400 Lubbok St, 77002  
Office Phone: 713-655-9300 Court Phone: 713-247-5445 FAX: 713-247-8747

Primary City Served: Houston Other Cities Served: \_\_\_\_\_

Attorney  Non-Attorney  Full-Time  Part-Time

- Status:  Presiding Judge  Associate/Alternate Judge  Justice of the Peace  Mayor  
 Court Clerk  Deputy Clerk  Court Administrator  Warrant Officer/Bailiff\*  
 Prosecutor (A registration fee of \$250/\$100 must accompany registration form.)  
 Assessment Clinic (A program fee of \$100 must accompany registration form.)  
 Other: \_\_\_\_\_

\*Warrant Officers/Bailiffs: Municipal Court Judge's signature required to attend Warrant Officers/Bailiffs program:

Judge's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Municipal Court of: \_\_\_\_\_

I certify that I am currently serving as municipal court judge, city prosecutor, or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel five (5) working days prior to the seminar. If I have requested a room, I certify that I live at least 30 miles from the seminar site and have read the cancellation and no show policies in the General Seminar Information section located on Page 13. Payment is required ONLY for the prosecutors programs and assessment clinics; payment is due with registration form. Prosecutors and participants in the assessment clinics must cancel in writing two weeks prior to seminar to receive refund.

Participant Signature: \_\_\_\_\_ Date: 5-9-2002

May 09 2002 3:40pm

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Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
May 9	3:39pm	Fax Sent	15124356118	0:44	1	OK

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## JUDGES 12-HOUR SEMINAR SCHEDULE

For all attorney judges and non-attorney judges who have previously completed the first year's training.  
Seminars begin at 8:00 a.m. on the first day and conclude at 12:00 noon on the second day.

October 22-23 (M-T) Register By: September 21, 2001	Austin	Doubletree Hotel 6505 I-35 North Zip Code: 78752 512/454-3737
November 7-8 (W-Th) Register By: October 12, 2001	Tyler	Sheraton Hotel 5701 South Broadway Zip Code: 75703 903/561-5800
January 17-18 (Th-F) Register By: December 5, 2001	San Antonio	Holiday Inn Riverwalk 217 N. St. Mary's Street Zip Code: 78205 210/224-2500
February 4-5 (M-T) Register By: January 4, 2002	Houston	Sofitel Houston 425 N. Sam Houston Pkwy. E. Zip Code: 77060 281/445-9000
March 4-5 (M-T) Register By: February 7, 2002	Dallas	Doubletree Hotel Lincoln Centre 5410 LBJ Freeway Zip Code: 75240 972/934-8400
April 3-4 (W-Th) Register By: March 4, 2002	Amarillo	Ambassador Hotel 3100 I-40 West Zip Code: 79102 806/358-6161
April 29-30 (Attorney Judges Only) (M-T) Register By: March 27, 2002	South Padre Island	Radisson Hotel 500 Padre Boulevard Zip Code: 78597 956/761-6511
May 1-2 (Non-Attorney Judges Only) (W-Th) Register By: March 27, 2002	South Padre Island	Radisson Hotel 500 Padre Boulevard Zip Code: 78597 956/761-6511
July 2-3 (T-W) Register By: June 5, 2002	El Paso	Hilton Camino Real 101 South El Paso St. Zip Code: 79901 915/534-3007

**NOTE:** Remember, depending on the popularity of a location, a school may be closed to participants before the registration or housing deadline date. If this occurs, late registrants will be added to a waiting list and/or referred to a neighboring hotel. Please do not purchase non-refundable airline tickets until you receive a confirmation letter from TMCEC. Confirmation letters will be sent out to participants' courts three weeks prior to the school.