

Misc. Docket No. 02- 9080

**ORDER
OF
THE SUPREME COURT OF TEXAS**

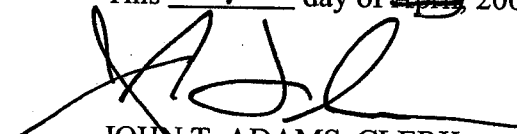
The State Commission on Judicial Conduct has recommended that the Honorable Lillian Fariss, Justice of the Peace for Precinct 2, Place 1, Sundown, Hockley County, Texas, be suspended without pay pursuant to Texas Constitution Article 5, §1-a(6)A, and Rule 15(b) of the Procedural Rules for the Removal 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 Lillian Fariss, Justice of the Peace for Precinct 2, Place 1, Sundown, Hockley 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 9th day of May 2002.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

(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 Lillian Fariss of Hockley 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 requests that you appear before it on **Wednesday, April 10, 2002 at 3:30 p.m.**, in the Commission's offices located in the William P. Clements, Jr. Building, 300 West 15th 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 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,

Seana Willing
General Counsel

SW/LM/et
Encl.

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 Lillian Fariss, Justice of the Peace, Precinct 2, Place 1, of Sundown, Hockley County, Texas, is not in compliance with Rule 3a(2) of the Rules of Judicial Education for fiscal year 2001.

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

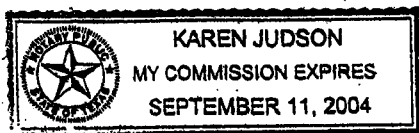
Judge Fariss was not granted a waiver or other permission to relieve her of her educational requirements for fiscal year 2001."

FURTHER AFFIANT SAYETH NOT.

Roger Rountree

Roger Rountree
Executive Director, Texas Justice Court Training Center

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



Karen Judson

Notary Public, State of Texas

EXHIBIT 8

QJ-1
CJC No. 02-0345-JP
LETTER OF INQUIRY: JUDGE LILLIAN FARISS

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? If so, please provide any and all documentation related to the waiver.
4. Were you granted a medical waiver of the required judicial education for fiscal year 1999 or 2000? If so, please provide any and all documentation related to the waiver.
5. Were you permitted to take correspondence courses in fiscal year 1999, 2000, or 2001? If so, please provide any and all documentation related to these correspondence courses.
6. Are you aware that judicial education courses are wheelchair accessible?

EXHIBIT 8

7. 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 # 02-0345-JP

State of Texas

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§
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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



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**Inquiry Concerning
CJC No. 02-0345-JP**

COMMISSION'S RECOMMENDATION OF SUSPENSION

On the 10th 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 Lillian Fariss, Justice of the Peace for Precinct 2, Place 1, Sundown, Hockley County, Texas ("Respondent").

After considering the Sworn Complaint, Respondent's written response to the Commission, 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 her 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 Lillian Fariss from her office as Justice of the Peace for Precinct 2, Place 1, Sundown, Hockley County, Texas, pending final disposition by the Commission of the charge pending against Respondent.

SIGNED: April 19, 2002.

A handwritten signature in cursive script, appearing to read "Michael L. O'Neal".

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

EXHIBIT C