

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 9th day of ~~April~~^{May}, 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

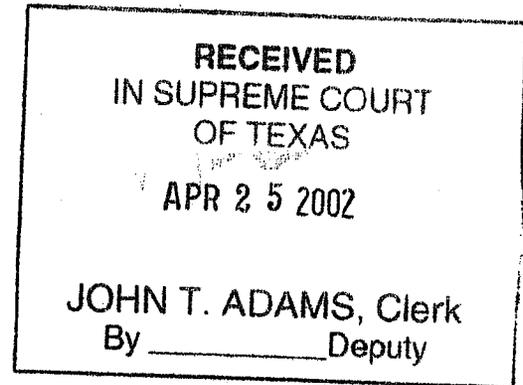
L. Scott Mann
Keith Baker
Martin Chiuminatto, Jr.
Gilbert M. Martinez
James A. Hall
Ronald D. Krist



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. 15th 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 15th 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

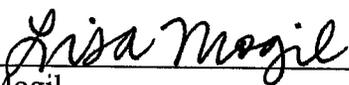
Seana Willing
General Counsel
Texas State Bar No. 00787056

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 15th Street, Suite 875, Austin, Texas 78701, on this the 25th 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.

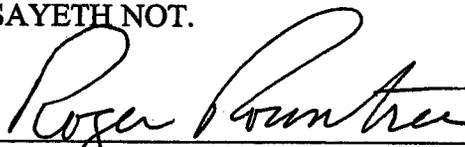
I am the Executive Director for the Texas Justice Court Training Center. As part of my duties, I ensure judges' compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas, a copy of which is incorporated by reference and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

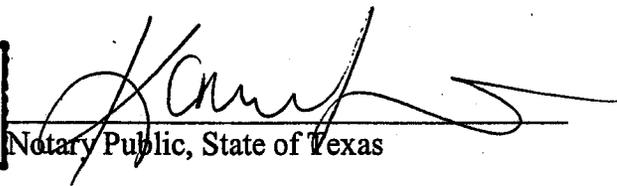
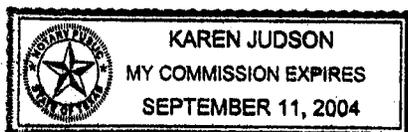
FURTHER AFFIANT SAYETH NOT.



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. 15th 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 15th 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.

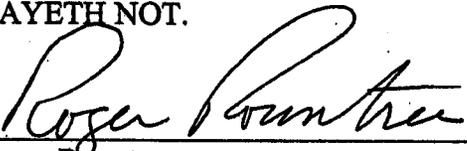
I am the Executive Director for the Texas Justice Court Training Center. As part of my duties, I ensure judges’ compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas, a copy of which is incorporated by reference and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

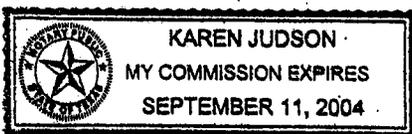
Judge Myers was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2001.”

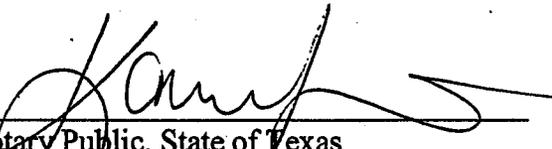
FURTHER AFFIANT SAYETH NOT.



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

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

ERS

18th Street

CAPITOL POLICE
EMERGENCY ONLY:
463-3333
NON-EMERGENCY:
463-3556

SFA

WBT

17th Street

CSB

CAPITOL INFORMATION & TOUR GUIDES
463-0063
CAPITOL VISITORS CENTER
305-8400

16th Street

THC

THC

LBJ

16th Street

17th Street

STATE TRAVEL INFORMATION
463-8586

WPC

CCC

THC

REJ

San Jacinto Street

Trinity Street

STATE PRESERVATION BOARD
463-5495
Centennial Park

15th Street

TLC

JHR

TWC

TWCX

15th Street

To Hwy. IH-35

14th Street

PDB

THC

SHB

BUS Loading and Parking

14th Street

WATER CREEK

13th Street

CAPITOL LOADING DOCK

CAPITOL

BUS Loading only. NO Parking

ARC & LIB

13th Street

BUS Parking Only DANGER! No Loading

12th Street

CAPITOL DRIVES
NO Buses
NO Weekday
Visitor Parking

CAPITOL VISITORS CENTER

CVC

SIB

12th Street

VISITOR PARKING GARAGE
2 HOURS FREE

11th Street

GM

GOVERNOR'S MANSION

DCG

JER SIBX

11th Street

To Hwy. IH-35

10th Street

EOT

CENTRAL BUSINESS DISTRICT

TJR

TRRS

11th Street

TEXAS STATE CEMETERY ABOUT 3/4 MILE

10th Street

Lavaca Street

Colorado Street

San Jacinto Street

Trinity Street

10th Street

NORTH

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

COPY

EXHIBIT C
"Serving our clients for over 40 years"

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23
24
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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
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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.)

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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
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EXHIBIT C

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**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.

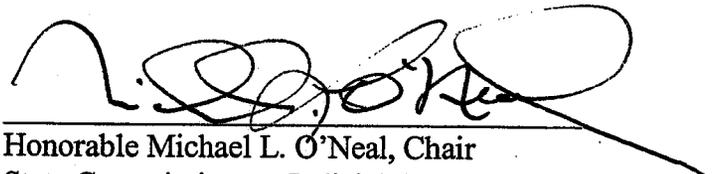

Honorable Michael L. O'Neal, Chair
State Commission on Judicial Conduct

EXHIBIT D