



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE HOWARD LILLEY
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1
LIVINGSTON, POLK COUNTY, TEXAS
(CJC Nos. 02-0333-JP AND 02-0388-JP)**

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to sections 33.001(b) and 33.032(h) of the Texas Government Code.

WHEREAS on January 29, 2002, a complaint (CJC No. 02-0333-JP) was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Howard Lilley, Justice of the Peace, Precinct 4, Place 1, Livingston, Polk County, Texas, and

WHEREAS on February 6, 2002, a complaint (CJC No. 02-0388-JP) was filed with the Commission containing allegations of judicial misconduct against Judge Lilley, and

WHEREAS on August 21, 2002, Judge Lilley appeared informally before the Commission to give testimony concerning the allegations of judicial misconduct raised in the complaints, and

WHEREAS no Findings of Fact or Conclusions of Law have been made in the above-referenced actions, and

WHEREAS the Examiner believes there is a preponderance of evidence to substantiate the allegations of judicial misconduct in the above-referenced actions, and

WHEREAS Judge Lilley disputes the allegations of judicial misconduct in the above-referenced actions and denies them in their entirety, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, would result in disciplinary action against Judge Lilley, and

WHEREAS the parties to this Agreement are desirous of resolving this matter without the time and expense of further disciplinary proceedings,

IT IS THEREFORE AGREED that Judge Lilley, at the close of business on September 10, 2002, shall voluntarily resign his judicial office in lieu of disciplinary proceedings by the Commission, and the Commission, through Examiner, agrees that it shall initiate no disciplinary proceedings against Judge Lilley in connection with the above-referenced actions

IT IS FURTHER AGREED that upon the effective date of his resignation, Judge Lilley shall be forever disqualified from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or, performing or exercising any judicial duties or functions of a judicial office in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Lilley would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution and §33.001(b) of the Texas Government Code; willful or persistent conduct in violation of the Texas Code of Judicial Conduct, including Canon 5(2) of the Code; or a violation of Rules 8.02(b) or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Lilley would be subject to review by the Commission, the Secretary of State, the Attorney General, or, if the circumstances warrant, the local District Attorney for appropriate action.

IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; and that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement.

IT IS FURTHER AGREED that this Agreement is not an admission by Judge Lilley of the charges against him in the above-referenced action, any such admission being denied in this compromise and settlement.

AGREED TO AND ACCEPTED upon its execution by the parties.



JUDGE HOWARD LILLEY



CHAIR, State Commission on Judicial
Conduct

Date: 08-21-2002

Date: 8-21-02

AGREED AS TO FORM:

Perry A. Tanner

Perry Tanner
Attorney for Judge Howard Lilley

Date: Aug 21, 2002

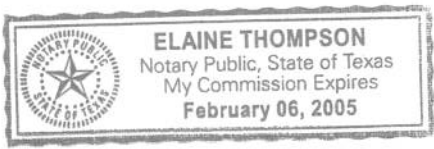
VERIFICATION

State of Texas §
 §
County of Travis §

BEFORE ME, the undersigned authority, on this day personally appeared HOWARD LILLEY, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

August **SUBSCRIBED AND SWORN TO BEFORE ME**, on this the 21st day of _____, 2002.

Elaine Thompson
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS



**ADDENDUM TO
VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

IT IS FURTHER AGREED that upon the effective date of his resignation, Judge Lilley shall be limited to performing weddings in Polk County only.

IT IS FURTHER AGREED that Judge Lilley shall be prohibited from advertising his wedding services, or otherwise holding himself out as a judge, former judge, or retired judge for any purpose, including for the purpose of marketing his wedding services.

AGREED TO AND ACCEPTED upon its execution by the parties.



JUDGE HOWARD LILLEY




CHAIR, State Commission on Judicial
Conduct

Date: 08-21-2002

Date: 8-21-02

AGREED AS TO FORM:



Perry Tanner
Attorney for Judge Howard Lilley

Date: Aug 21, 2002