

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE BILLY D. BURKS
MUNICIPAL COURT JUDGE
ARCHER CITY, ARCHER COUNTY, TEXAS
(CJC No. 03-0240-MU)**

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

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

WHEREAS on November 22, 2002, a complaint was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Billy D. Burks, Municipal Court Judge for Archer City, Archer County, Texas, regarding his failure to comply with mandatory judicial educational requirements for fiscal year 2002.

WHEREAS on or about December 20, 2002, in connection with the above-referenced matter, the Commission received an affidavit (hereinafter the "December 20, 2002 Sworn Complaint") from Hope Lochridge, the Executive Director of the Texas Municipal Courts Education Center, confirming the allegations of misconduct raised in the original complaint (a true and correct copy of the December 20, 2002 Sworn Complaint is attached hereto as Exhibit A), and

WHEREAS on or about February 24, 2003, the Commission notified Judge Burks that a suspension hearing would be held on April 10, 2003 at the Commission offices in Austin, Texas, and

WHEREAS on or about March 24, 2003, Judge Burks notified the Commission that he would attend the suspension hearing, and

WHEREAS the Commission has not recommended to the Supreme Court of Texas that Judge Burks be suspended, 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, and

WHEREAS no Notice of Formal Proceedings has been filed by the Examiner against Judge Burks in connection with the above-referenced matter, and

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

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

WHEREAS the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Burks, upon the signing of this Agreement, shall resign his judicial office in lieu of disciplinary action by the Commission, pursuant to §§33.001(b) and 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Burks in connection with the above-referenced matter.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Burks shall not be disqualified from future judicial service; sitting or serving as a judge in the State of Texas in the future; or standing for election or appointment to judicial office in the State of Texas.

IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Burks, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

AGREED TO AND ACCEPTED upon its execution by the parties.



JUDGE BILLY D. BURKS



KATHLEEN H. OLIVARES, Chair
State Commission on Judicial Conduct

Date: Apr. 7 2003

Date: April 23, 2003

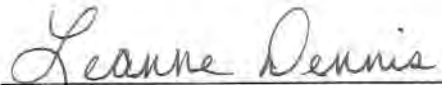
VERIFICATION

State of Texas §
 §
County of ARCHER §

BEFORE ME, the undersigned authority, on this day personally appeared BILLY D. BURKS, 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.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 7TH day of April, 2003.





NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

EXHIBIT A

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 Billy D. Burks, Municipal Court Judge of Archer City, Archer County, Texas, is not in compliance with Rule 4a(2) of the Rules of Judicial Education for fiscal year 2002.

Judge Billy D. Burks completed 0 hours out of the 12 required hours of education for fiscal year 2002.

Judge Billy D. Burks was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2002."

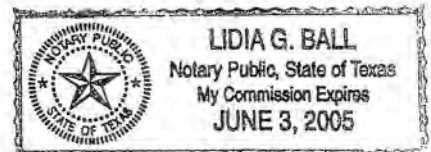
FURTHER AFFIANT SAYETH NOT.

Hope Lochridge
Hope Lochridge
Executive Director, Texas Municipal Courts Education Center

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 20th day of December, 2002.

Lidia G. Ball
Notary Public, State of Texas

EXHIBIT CJC-1



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