

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE KRISTA K. McANALLY
MUNICIPAL COURT JUDGE
LOG CABIN, HENDERSON COUNTY, TEXAS
(CJC No. 04-0350-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 Section 33.032(h) of the Texas Government Code.

WHEREAS on December 18, 2003, a complaint was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Krista K. McAnally, Municipal Court Judge, Log Cabin, Henderson County, Texas, regarding her failure to comply with mandatory judicial educational requirements for fiscal year 2003.

WHEREAS on or about January 13, 2004, in connection with the above-referenced matter, the Commission received an affidavit (hereinafter the "January 13, 2004 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 January 13, 2004 Sworn Complaint is attached hereto as Exhibit A), and

WHEREAS on or about April 15, 2004, the Commission notified Judge McAnally that a suspension hearing would be held on June 11, 2004 at the Commission offices in Austin, Texas, and

WHEREAS on or about May 14, 2004, Judge McAnally notified the Commission that she resigned her position as the City of Log Cabin Municipal Court Judge and would not be attending the suspension hearing, and

WHEREAS the Commission has not recommended to the Supreme Court of Texas that Judge McAnally 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 McAnally 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 McAnally, 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 McAnally has resigned her judicial office as Municipal Court Judge for the City of Log Cabin, in Henderson County, Texas, effective upon the date this Agreement is executed by all parties, in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge McAnally in connection with the above-referenced matter.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge McAnally 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 any violation of this Agreement by Judge McAnally would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, Section 1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

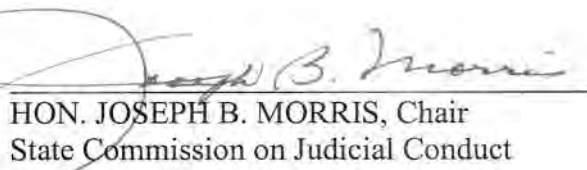
IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge McAnally, individually,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

IT IS FURTHER AGREED that Judge McAnally, by her execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in Exhibit A attached hereto.

AGREED TO AND ACCEPTED upon its execution by the parties.



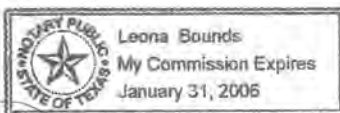
JUDGE KRISTA K. MCANALLY



HON. JOSEPH B. MORRIS, Chair
State Commission on Judicial Conduct

Date: 5-24-04

Date: 6-9-04





VERIFICATION

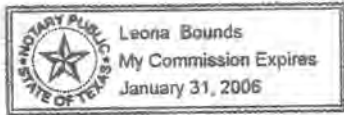
State of Texas


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County of Kaufman

BEFORE ME, the undersigned authority, on this day personally appeared KRISTA K. MCANALLY, who by me being first duly sworn, on her 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 her understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 24 day of May, 2004.





NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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 Krista K. McNally, Municipal Court Judge of Log Cabin, Henderson County, Texas, is not in compliance with Rule 4a(2) of the Rules of Judicial Education for fiscal year 2003.

Judge McNally completed 0 hours out of the 12 required hours of education for fiscal year 2003.

Judge McNally was not granted a waiver or other permission to relieve her of her educational requirements for fiscal year 2003."

FURTHER AFFIANT SAYETH NOT.

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

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 13 day of January, 2004.

Patricia Russo
Notary Public, State of Texas

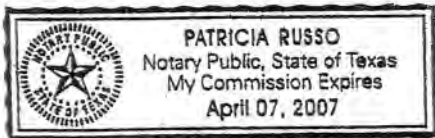


EXHIBIT A