



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE JOHN LINDSEY
RETIRED DISTRICT JUDGE
JACK, JACKSBORO COUNTY, TEXAS
(CJC No. 05-0257-RT)**

**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 November 6, 2004, a complaint was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge John Lindsey, Retired District Judge, Jack, Jacksboro County, Texas, regarding his failure to comply with mandatory judicial educational requirements for fiscal year 2004.

WHEREAS on or about January 18, 2005, in connection with the above-referenced matter, the Commission received an affidavit (hereinafter the "January 18, 2005 Sworn Complaint") from Mari Kay Bickett, the Executive Director of the Texas Center for the Judiciary, confirming the allegations of misconduct raised in the original complaint (a true and correct copy of the January 18, 2005 Sworn Complaint is attached hereto as Exhibit A), and

WHEREAS the Commission has not recommended to the Supreme Court of Texas that Judge Lindsey 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 Lindsey 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 Lindsey, 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 Lindsey, upon the signing of this Agreement, shall resign his judicial office 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 Lindsey in connection with the above-referenced matter.

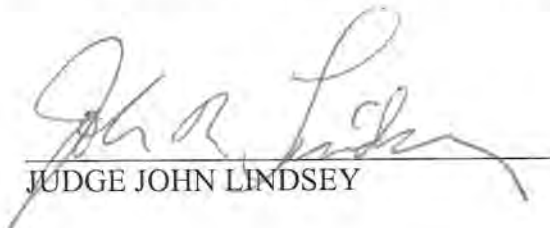
IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Lindsey shall not be disqualified from future judicial service; sitting or serving as a judge in the State of Texas in the future; or standing for election or appointment to judicial office in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Lindsey 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, Section 1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

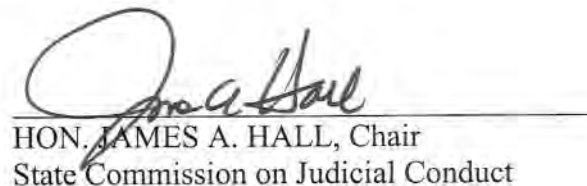
IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Lindsey, individually,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

IT IS FURTHER AGREED that Judge Lindsey, by his 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 JOHN LINDSEY



HON. JAMES A. HALL, Chair
State Commission on Judicial Conduct

Date: 5/19/05

Date: 6/8/05

AFFIDAVIT OF MARI KAY BICKETT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned notary public, personally appeared Mari Kay Bickett 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.

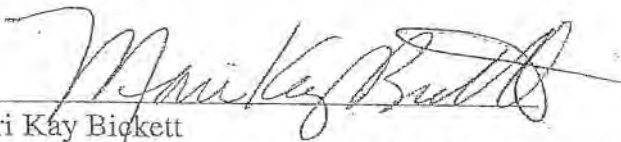
I am the Executive Director of the Texas Center for the Judiciary. As part of my duties, I ensure judges' compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas.

Judge John Lindsey, Senior District Judge, of Jacksboro, Jack County, Texas, is not in compliance with Rule 2a(2) of the Rules of Judicial Education for fiscal year 2004.

Judge Lindsey completed 3.50 hours out of the 16 required hours of education for fiscal year 2004.

Judge Lindsey was not granted a waiver or other permission to relieve him of his educational requirements for fiscal year 2004."

FURTHER AFFIANT SAYETH NOT.



Mari Kay Bickett
Executive Director, Texas Center for the Judiciary

SWORN AND SUBSCRIBED TO BEFORE ME, on this the 18 day of January, 2005.

Melissa Dota

Notary Public, State of Texas



EXHIBIT A

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