



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE RACHEL LITTLEJOHN-DIEBEL
RETIRED DISTRICT JUDGE
BEEVILLE, BEE COUNTY, TEXAS
(CJC No. 05-0258-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 12, 2004, a complaint was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Rachel Littlejohn-Diebel, Retired District Judge, Beeville, Bee County, Texas, regarding her 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 Littlejohn-Diebel 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 Littlejohn-Diebel 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 Littlejohn-Diebel, 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 Littlejohn-Diebel, upon the signing of this Agreement, shall resign her 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 Littlejohn-Diebel in connection with the above-referenced matter.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Littlejohn-Diebel 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 Littlejohn-Diebel 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 Littlejohn-Diebel, 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 Littlejohn-Diebel, 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.

Rachel Littlejohn Diebel

JUDGE RACHEL LITTLEJOHN-DIEBEL

James A. Hall

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

Date: 5-31-05

Date: 6/8/05

VERIFICATION

State of Texas §
 §
County of Bee §

BEFORE ME, the undersigned authority, on this day personally appeared RACHEL LITTLEJOHN-DIEBEL, 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 31 day of May, 2005.

Emily P. Veselka

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS



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.

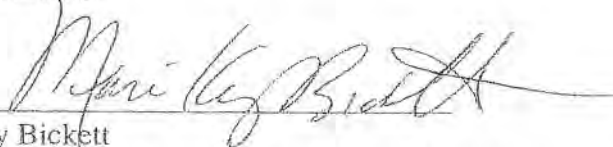
I am the Executive Director of the Texas Center for the Judiciary. As part of my duties, I ensure judges' compliance with judicial education requirements under the Rules of Judicial Education promulgated by the Court of Criminal Appeals of Texas.

Judge Rachel Littlejohn-Diebel, Senior District Judge, of Beeville, Bee County, Texas, is not in compliance with Rule 2a(2) of the Rules of Judicial Education for fiscal year 2004.

Judge Littlejohn-Diebel completed 9.50 hours out of the 16 required hours of education for fiscal year 2004.

Judge Littlejohn-Diebel was not granted a waiver or other permission to relieve her of her 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

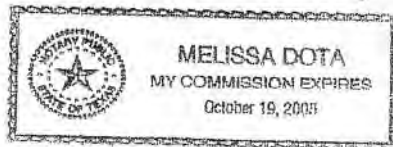


EXHIBIT A

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