

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

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IN RE: THE HONORABLE CAROLYN DAY HOBSON STATE COMMISSION
FORMER JUDGE, SITTING BY ASSIGNMENT ON JUDICIAL CONDUCT
HOUSTON, HARRIS COUNTY, TEXAS

**(CJC Nos. 02-0805-RT, 02-0883-RT, 02-1063-RT, 03-0434-RT,
03-0540-RT, 03-0668-RT, and 03-0737-CC)**

**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 May 17, 2002, a complaint (CJC 02-0805-RT) was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Carolyn Day Hobson, a former judge sitting by assignment in Houston, Harris County, Texas, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to a litigant in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on June 26, 2002, a complaint (CJC 02-0883-RT) was filed with the Commission containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to a litigant in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on August 23, 2002, a complaint (CJC 02-1063-RT) was filed with the Commission containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to an attorney in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on January 1, 2003, a complaint (CJC 03-0434-RT) was filed with the Commission containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to a litigant in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on March 10, 2003, a complaint (CJC 03-0540-RT) was filed with the Commission containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to a litigant in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on April 22, 2003, a complaint (CJC 03-0668-RT) was filed with the Commission containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to a litigant in the course of performing her judicial duties as a visiting justice of the peace, and

WHEREAS on May 16, 2003, a complaint (CJC 03-0737-CC) was filed with the Commission requesting a reconsideration of a previously filed complaint containing allegations of judicial misconduct against Judge Hobson, involving, among other things, the judge's apparent lack of patience, dignity and courtesy to an attorney in the course of performing her judicial duties as presiding judge of the Harris County Civil Court at Law No. 3, and

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

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Hobson, 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 Hobson, upon the Commission's approval and execution of this Agreement, shall resign her judicial office, effective November 1, 2003, 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 Hobson in connection with the above-referenced matters.

IT IS FURTHER AGREED that, effective November 1, 2003, Judge Hobson, upon the Commission's approval and execution of this Agreement, shall be disqualified from future judicial service; sitting or serving as a judge in the State of Texas in the future; 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, including the performance of weddings pursuant to the authority of Section 2.202(a)(4) of the Texas Family Code, in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Hobson 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, §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 Hobson, 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 Hobson, by her execution of this voluntary agreement, does not admit guilt, fault or liability to the allegations contained in the complaints set forth above.

AGREED TO AND ACCEPTED upon its execution by the parties.

Carolyn Day Hobson
JUDGE CAROLYN DAY HOBSON

Kathleen H. Olivares
KATHLEEN H. OLIVARES, Chair
State Commission on Judicial Conduct

Date: 10-2-03

Date: 10-9-03

VERIFICATION

State of Texas §

§

County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared CAROLYN DAY HOBSON, 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 2 day of October, 2003.



Cuca Hobson
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS