



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**IN RE: HONORABLE JOHN B. PEYTON, JR.  
ASSOCIATE JUDGE FOR THE PROBATE COURTS  
DALLAS, DALLAS COUNTY, TEXAS**

**CJC Nos. 17-0677-AJ AND 18-0114**

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**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** at all times relevant hereto, the Honorable John B. Peyton, Jr., was an Associate Judge for the Probate Courts of Dallas, Dallas County, Texas, and

**WHEREAS** on February 2, 2017, the State Commission on Judicial Conduct ("Commission") initiated an investigation into Judge Peyton's conduct after receiving a letter from the judge's attorney, Randy Johnston, on January 30, 2017, detailing a "series of events" that Johnston believed would be made public in an upcoming article in *D Magazine*, and

**WHEREAS** in April 2017, *D Magazine* published an article entitled *Ardor in the Court* detailing the judge's alleged affair with an attorney, who was serving as counsel to one of the parties in a high value probate matter over which Judge Peyton was presiding in Dallas County Probate Court No. 2.

**WHEREAS** on October 11, 2017, the Commission received a complaint from Denna Shaw asserting the same allegations set forth in the *D Magazine* article, and

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

**WHEREAS** no prior disciplinary action has been taken against Judge Peyton, and the judge denies the allegations in their entirety, and

**WHEREAS** the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Peyton, 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 Peyton, upon the signing of this Agreement, has officially and formally resigned his judicial duties, and is entering into

this Agreement to resolve the above-referenced complaints 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 Peyton in connection with the above-referenced matters.

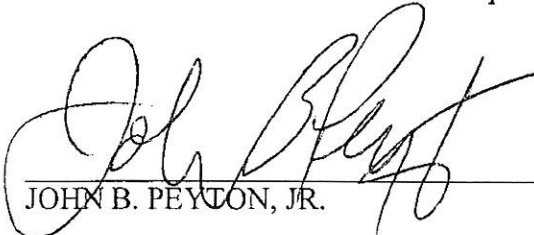
**IT IS FURTHER AGREED** that Judge Peyton, by his execution of this voluntary agreement, does not admit guilt, fault, or liability regarding the matters contained in the complaints referenced above.

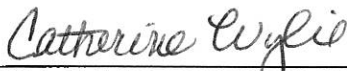
**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Peyton shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or exercising any judicial duties or functions of a judicial officer, including the performance of wedding ceremonies.

**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Peyton would constitute willful or persistent conduct clearly inconsistent with the proper performance of his duties and which 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 this agreement shall be made public as a voluntary agreement to resign from judicial office, pursuant to Section 33.032(h) of the Texas Government Code, and 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 Peyton, 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.

  
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JOHN B. PEYTON, JR.

  
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HON. CATHERINE WYLIE, VICE-CHAIR  
STATE COMMISSION ON JUDICIAL CONDUCT\*\*

Date: Jan. 26, 2018

Date: February 2, 2018

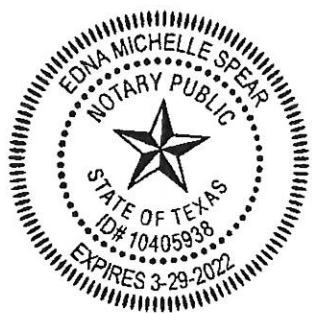
\*\*Hon. Douglas S. Lang, Chair of the Commission, voluntarily recused himself from any consideration of this matter.

VERIFICATION

State of Texas §  
County of Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared **JOHN B. PEYTON, JR.**, 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.

SWORN TO BEFORE ME, on this the 26<sup>th</sup> day of January, 2018.



Edna M. Spear  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS