



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 21-1293, 21-1396 & 21-1478

PUBLIC ADMONITION

**HONORABLE JAMES D. LUCAS
ASSOCIATE JUDGE, 388TH DISTRICT COURT
EL PASO, EL PASO COUNTY, TEXAS**

During its meeting on August 9-11, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable James D. Lucas, Associate Judge of the 388th District Court, El Paso, El Paso County, Texas. Judge Lucas was advised by letter of the Commission's concerns and provided a written response.

BACKGROUND

Judge Lucas was sworn in as an Associate District Judge on January 1, 2021. Before taking office, Judge Lucas was in private practice and represented clients in both civil and criminal matters in both trial court and appellate court. While he had completed the legal work required in several pending appellate cases, no decisions had been issued. In his trial court cases, Judge Lucas had co-counsel complete the legal work, but remained as counsel of record. In at least two pending criminal cases, Judge Lucas has not withdrawn as counsel of record.

In his written responses to the Commission, Judge Lucas confirmed his delay in withdrawing from pending appellate cases until ordered to do so by the Eighth Court of Appeals and his decision not to withdraw from cases because he has been unable to contact his client.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

FINDINGS OF FACT

1. At all relevant times, the Honorable James D. Lucas was Associate Judge of the 388th District Court, El Paso, El Paso County, Texas.

2. Judge Lucas failed to withdraw as attorney of record in at least six cases pending before the Eighth Court of Appeals until ordered to do so by the Court in June 2021.
3. On December 31, 2020, the day before he was sworn in as an Associate Judge, Judge Lucas filed a Petition for Writ of Mandamus together with an Application for Emergency Stay in *In Re: Rogelio Marquez*, Cause No. 08-20-00246-CV in the Eighth Court of Appeals. Judge Lucas failed to withdraw as counsel of record for the Applicant until ordered to do so by the Court of Appeals on June 24, 2021.
4. Judge Lucas failed to withdraw from *State v. Fabian Garcia*, Cause No. 20160D05455, in the Criminal District Court No. 1, El Paso County, Texas, although the court has not ruled on a pending motion to suppress.
5. Judge Lucas failed to withdraw from *State v. Amado Flores-Rivera*, Cause No 3591, because he believes he has potentially exculpatory evidence to share with any attorney appointed to replace him; he is unable to locate Flores-Rivera and he believes the case is subject to dismissal on speedy trial grounds.
6. Judge Lucas failed to withdraw from *William Navidomskis v. Jaime Gandara*, Cause No. 2019DCM0918, because the client did not identify an attorney to substitute for Judge Lucas.

RELEVANT STANDARDS

1. Canon 4G of the Texas Code of Judicial Conduct provides, in part, “A judge shall not practice law except as permitted by statute or this code.”

CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable James D. Lucas, Associate Judge of the 388th District Court, El Paso, El Paso County, Texas, should be publicly admonished for continuing to practice law after taking the bench as an associate judge, in violation of Canon 4G of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 29 day of August, 2022.



David Schenck
Chairman, State Commission on Judicial Conduct