



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: JUDGE JAN McCULLY
FORMER MUNICIPAL COURT JUDGE
CUNEY AND COFFEE CITY, TEXAS
(CJC No. 02-0097-MU)**

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to sections 33.001(b) and 33.032(h) of the Texas Government Code.

WHEREAS on October 16, 2001, a complaint (CJC No. 02-0097-MU) was filed with the State Commission on Judicial Conduct (hereinafter the "Commission") containing allegations of judicial misconduct against Judge Jan McCully, Municipal Court Judge for the cities of Cuneo and Coffee City, Texas, and

WHEREAS the complaint contained information indicating that on June 28, 2001, Judge McCully pleaded "guilty/nolo contendere" in Cause No. A-10,396, *The State of Texas vs. Jan McCully*, In the 173rd Judicial District Court of Henderson County, Texas, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, would result in disciplinary action against Judge McCully, and

WHEREAS no Findings of Fact have been made in this matter, and

WHEREAS the parties to this Agreement are desirous of resolving this matter without the time and expense of further disciplinary proceedings, and

WHEREAS Judge McCully no longer serves as the Municipal Court Judge of the cities of Cuneo or Coffee City, Texas, or any other Texas municipality.

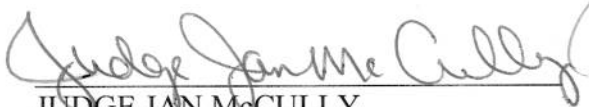
IT IS THEREFORE AGREED that Judge McCully, upon the signing of this Agreement, shall resign her judicial office in lieu of disciplinary action by the Commission, pursuant to sections 33.001(b) and 33.032(h) of the Texas Government Code.


IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge McCully shall be disqualified from: sitting or serving as a judge in the State of Texas; 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 in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge McCully 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 McCully, 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.

AGREED TO AND ACCEPTED upon its execution by the parties.


JUDGE JAN McCULLY


Chair, State Commission on Judicial Conduct

Date: 11-26-2001

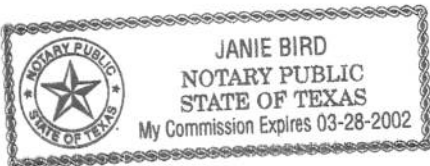
Date: Nov. 6, 2001

VERIFICATION

State of Texas §
County of Anderson §

BEFORE ME, the undersigned authority, on this day personally appeared JAN McCULLY, 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 29th day of November, 2001.




NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS