



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 15-0591-JP, 15-0774-JP & 16-0490-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE YOLANDA URESTI
JUSTICE OF THE PEACE, PRECINCT 4, PLACE 2
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on October 6, 2016, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Yolanda Uresti, Justice of the Peace for Precinct 4, Place 2, in San Antonio, Bexar County, Texas. Judge Uresti was advised by letter of the Commission's concerns and provided a written response. At her request, Judge Uresti was scheduled to appear before the Commission on October 6, 2016, but failed to appear. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Yolanda Uresti was the Justice of the Peace for Precinct 4, Place 2, in San Antonio, Bexar County, Texas.

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2. On February 27, 2015, Judge Uresti presided over the trial in *Gonzalez and Mendez v. Coman* (Case No. 42-E-1500103), an eviction proceeding.
3. At the conclusion of the trial, Judge Uresti signed, but did not file, an original judgment in favor of the plaintiffs, erroneously stating that the defendant, Victoria Coman, "failed to appear and wholly made default."

4. The original judgment also ordered Coman to surrender possession of the property on or before five (5) days after judgment.
5. The original judgment was not filed in the case until March 4, 2015.
6. Thereafter, Judge Uresti corrected the original judgment by striking through the words “failed to appear and wholly made default,” and initialing the change.
7. It remains unclear from the record when Judge Uresti made the change to the original judgment.
8. Moreover, Judge Uresti failed to notify the parties that she had corrected the original judgment.
9. On March 4, 2015, Coman filed a Notice of Appeal and paid \$20 cash to the court, but failed to perfect the appeal by filing an appeal bond or an affidavit of indigency.
10. The following day, Coman filed Defendant’s Pauper’s Affidavit for Appeal.
11. Although the letter does not appear in the court’s record, on March 6, 2015, Judge Uresti notified Coman that her appeal was denied as “untimely filed.”
12. On March 17, 2015, after several more unsuccessful attempts to appeal through Judge Uresti’s court, Coman filed a Petition for Writ of Supersedeas and Motion for Stay in Bexar County Court at Law No. 2, which granted Coman’s requested relief and stayed enforcement of the justice court judgment pending appeal.¹
13. On March 20, 2015, Judge Uresti filed another copy of the original, uncorrected judgment in the court record.
14. When asked about filing the original, uncorrected judgment on March 4th and March 20th, and a corrected judgment on an unspecified date presumably after March 4th, Judge Uresti responded that she “amended and entered the judgment in open court, out loud and filed it with the Court Clerk” on the day of trial, February 27, 2015.
15. According to Judge Uresti, the absence of any court records or docket entries supporting her contention that she filed the corrected judgment on February 27th was the fault of a court clerk.
16. Judge Uresti also averred that another Justice of the Peace was responsible for filing the original, uncorrected judgment on March 20th.
17. Judge Uresti went on to accuse the court manager of “insubordination” for communicating with Coman by telephone after being instructed by Judge Uresti not to speak to “the public” regarding the judge’s cases.
18. Judge Uresti further disclosed that she had contacted the Bexar County Constable’s Office and requested them to arrest her court manager for insubordination; however, the officers refused to comply with her order.
19. As part of her written responses to the Commission’s inquiry, Judge Uresti ordered that the court manager and the other Justice of the Peace be found in contempt of court.
20. The specific bases for the judge’s contempt findings were as follows:

“I, Judge Yolanda Acuna-Uresti find Ms. Eusebia Rodriguez Price in Contempt of Court for giving advice to a client, disparaging remarks defaming the integrity, trust, respect and credibility

¹ The County Court at Law judge later dismissed the appeal.

of Precinct 4 Court Staff and Judge Acuna-Uresti; and Judge Rogelio Lopez, Jr. And for causing defendant, Victoria Coman, intentional emotional distress, pain and suffering.

“For these reasons, I find Rogelio Lopez, Jr., in contempt of court by instructing, directing and allowing Eusebia Rodriguez Price to act on his behalf and for such other and further just actions described and not described herein.”

21. When asked why her written responses included contempt findings against the court manager and a judge, Judge Uresti was unable to provide any reasonable explanation for providing the information, nor was she able to articulate an understanding of the court’s authority, or the procedures, for contempt.

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22. On May 5, 2015, Judge Uresti presided over the trial in *Alejos v. Cardona* (Case No. 42E1501708), an eviction proceeding.
23. At the conclusion of the trial, according to an entry on the Eviction Case Information Sheet, Judge Uresti ruled in favor of the tenant, awarding her \$1,000 in damages; however, the judge also ordered the tenant to vacate the property by December 29, 2015.
24. The original judgment, dated May 5, 2015, included no award for damages and did not order the eviction of the tenant.
25. Although the parties received a copy of the original judgment after the trial, the judgment was not filed in the court’s record.
26. On May 12, 2015, after the landlord had filed a notice of appeal, a different judgment was entered into the court’s record, erroneously stating that the matter had been heard on May 12, 2015, and awarding the tenant \$1,000 in damages. The May 12th judgment did not order an eviction.
27. In her written response to the Commission’s inquiry, Judge Uresti confirmed that she signed and filed an original judgment in favor of the tenant on May 5, 2015.
28. Judge Uresti acknowledged that she awarded \$1,000 in damages to the tenant in the absence of any pleading or counterclaim from the tenant.²
29. According to Judge Uresti, the practice and procedure in her court had been that, after trial, court clerks were responsible for entering information from the Eviction Case Information Sheet and generating a court order that included the judge’s electronic signature.
30. The judge added that any inconsistent or erroneous judgments entered in the case were the result of court clerk errors.
31. Moreover, Judge Uresti contended that another judge ordered her court clerk not to include the original May 5th judgment in the court record, and was also responsible for preparing and filing the May 12th judgment without her knowledge while she was out of town.
32. Judge Uresti advised the Commission that, as of June 2016, she no longer permits court clerks to generate court orders with her electronic signature and she now personally reviews and signs each order.

² Counterclaims by tenants are not permitted in eviction proceedings.

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33. Judge Uresti has a public Facebook page that identifies her as: “Yolanda Acuna Uresti – Judge Elect for JP Pct. 4 Pl. 2.”³ The page includes her photo and identifies her as a “politician.”
34. Judge Uresti has not utilized available privacy settings that would prevent members of the public from accessing and viewing her Facebook page.
35. On June 4, 2014 and July 1, 2014, while a candidate for judicial office, Judge Uresti’s Facebook page included links, photos, and posts promoting the real estate business of Jennifer Uresti, the judge’s daughter-in-law.
36. On March 3, 2014, while a candidate for judicial office, Judge Uresti’s Facebook page included a link, photo, and post promoting a former judge’s business as a wedding officiate.
37. In her written responses to the Commission’s inquiry, Judge Uresti acknowledged that she had a Facebook page, but denied that she was identified on that page as a “politician,” despite the fact that her Facebook page expressly included the description of her as a “politician.”
38. Further, Judge Uresti denied responsibility for the Facebook posts promoting the businesses of Jennifer Uresti and the former judge, claiming the posts were “illegal,” “unauthorized,” and the result of someone “hack[ing]” her Facebook page.
39. According to Judge Uresti, none of the posts promoting these businesses were ever accessible to the general public.
40. Although Judge Uresti claimed to have deleted her Facebook account, as of the date of this sanction it remains accessible.
41. When asked if she reported the “hacking” of her Facebook account to the appropriate authorities, Judge Uresti stated that she had not.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall comply with the law.”
2. Canon 2B of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.”
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that “A judge...shall maintain professional competence in [the law].”
4. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined for, among other things, willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties.
5. Chapter 33.001 of the Texas Government Code states, in relevant part, that, “For purposes of Section 1-a, Article V, Texas Constitution, ‘wilful or persistent conduct that is clearly

³ The website is publicly viewable at <https://www.facebook.com/yolandajpcampaign/> as of the date of this sanction.

inconsistent with the proper performance of a judge's duties' includes...failure to cooperate with the commission."

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Uresti failed to comply with the law, demonstrated incompetence in performing the duties of office, and engaged in willful and persistent conduct that was clearly inconsistent with the proper performance of her judicial duties by her handling of the various conflicting eviction judgments issued by her court in *Gonzalez and Mendez v. Coman* and *Alejos v. Cordona*, some of which were later corrected without notice to the parties and in a manner that may have affected the appellate deadlines for these litigants had they been informed of the existence of the corrected judgments.

Moreover, it appeared from the various judgments entered in these cases that Judge Uresti was unaware that (1) a writ of possession could not be issued before the 6th day after the date of judgment in the *Gonzalez and Mendez v. Coman* case, or more than 60 days after the date of judgment in the *Alejos v. Cordona* case;⁴ and (2) damages could not be awarded to the tenant in the *Alejos v. Cordona* case.⁵ Judge Uresti's responses to the Commission's inquiry also demonstrated a lack of professional competence in the law to the extent that she believed she could hold a court employee and a judge in contempt of court in the manner presented to the Commission, and for the reasons stated in her responses.

With regard to the Facebook posts that promoted the financial interests of her relative and a former judge, the Commission notes that at the time of the original posts, Judge Uresti was a judicial candidate and not yet a judge. While the Commission does not have jurisdiction over the pre-bench conduct of a judicial candidate, Judge Uresti's failure to remove the posts from her public Facebook page after she assumed the bench in 2015, and the fact that these posts continue to be visible to the public sixteen months into her term as judge, even after the Commission brought the concerns to the judge's attention, constitutes a continuing violation of the canons. Viewers of Judge Uresti's public Facebook page would continue to perceive that Judge Uresti has lent the prestige of her judicial position to advance the private financial interests of these individuals and has conveyed or permitted others to convey the impression that they were in a special position to influence the judge.

In addition, a review of documents contained in the court file provided to the Commission in response to its inquiry demonstrates incompetence and a lack of diligence by the judge and her staff in maintaining complete and accurate court records. Based on the judge's responses to the Commission's inquiry, it was apparent that Judge Uresti lacked adequate administrative and record-keeping procedures in her office to ensure that (1) court files included copies of all judgments entered in the cases, including the date and time of the entry of each judgments; and (2) judgments signed by the judge accurately reflected the judgment announced in open court and the information entered into the Case Information Sheet by the judge.

In reaching these conclusions and determining the appropriate sanction, the Commission took into account Judge Uresti's failure to cooperate with the Commission's investigation by not providing

⁴ Pursuant to Rule 510.8(d)(1) and (2) of the Texas Rules of Civil Procedure.

⁵ Pursuant to Rules 510.3(e) and 510.8(c) of the Texas Rules of Civil Procedure.

full and candid responses to the Commission's inquiry, particularly in response to the investigation into her Facebook posts, as an aggravating factor.⁶

In light of the foregoing, the Commission concludes that Judge Uresti's actions in these matters constituted willful and/or persistent violations of Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, and Article V, Section 1-a(6) of the Texas Constitution.

In condemnation of the conduct described above that violated Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Yolanda Uresti, Justice of the Peace, Precinct 4, Place 2, San Antonio, Bexar County, Texas.

Pursuant to this Order, Judge Uresti must obtain **eighty (80) hours** of instruction by repeating the curriculum provided by the Texas Justice Court Training Center for new judges, in addition to her required judicial education for Fiscal Year 2017. Such training may be obtained at the judge's own expense or at the expense of Bexar County if so approved.

Judge Uresti shall complete the additional **eighty (80) hours** of instruction by **May 1, 2017**. It is Judge Uresti's responsibility to contact the Texas Justice Court Training Center and schedule her attendance at each of the programs designated for new judges, starting with the Stage I seminar scheduled for December 11-15, 2016, in Austin, Texas.

Upon the completion of the **eighty (80) hours** of instruction described herein, Judge Uresti shall provide the Commission with a certificate of completion from the Texas Justice Court Training Center, along with the completed Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 11th day of October, 2016.

ORIGINAL SIGNED BY

Honorable Valerie E. Ertz, Chair
State Commission on Judicial Conduct

⁶ *In re Deming*, 108 Wn.2d 82, 736 P.2d 639, 659 (Wash. 1987).