



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 14-0872-JP**

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**PUBLIC ADMONITION  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE ROBERT (BOBBY) CONTRERAS  
JUSTICE OF THE PEACE, PRECINCT 2, PLACE 1  
PHARR, HIDALGO COUNTY, TEXAS**

During its meeting on December 2-3, 2015, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Robert (Bobby) Contreras, Justice of the Peace, Precinct 2, Place 1, in Pharr, Hidalgo County, Texas. Judge Contreras was advised of the Commission's concerns and provided a written response. 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 Robert (Bobby) Contreras was Justice of the Peace, Precinct 2, Place 1, in Pharr, Hidalgo County, Texas.
2. On April 28, 2014, a litigant sued a towing company in Judge Contreras' court.
3. In the suit, the litigant alleged that a tow truck operator illegally towed her vehicle and violated various provisions of Chapter 2308 of the Texas Occupation Code (the Code).
4. The litigant sought damages in the amount of \$874.95 against the towing company under Section 2308.404(c) of the Code.
5. On May 7, 2014, Judge Contreras presided over a bench trial in the case.
6. According to the litigant, at the conclusion of the trial, Judge Contreras orally announced judgment in her favor in the amount of \$874.95, plus court costs.

7. The facts are in dispute as to why the litigants left court on May 7<sup>th</sup> without receiving a copy of a final written judgment.
8. According to the litigant, when she returned to court the following week to pick up a copy of the judgment, she was informed by a court clerk that Judge Contreras had reduced the amount of the judgment to \$291.65 after consulting with a prosecutor in the Hidalgo County District Attorney's Office.
9. A review of the court file in the case indicated that on May 7<sup>th</sup>, Judge Contreras completed a Case Disposition Form reflecting judgment for the litigant in the amount of \$874.95.
10. The Case Disposition Form also reflected that the amount was reduced to \$291.65 on May 13, 2014.
11. In his written responses to the Commission's inquiry, Judge Contreras denied that he had orally announced his decision on May 7<sup>th</sup>; instead, he claimed that he advised the parties that he would take the matter under advisement and would notify them of his ruling at a later date.
12. Judge Contreras acknowledged that after the bench trial, and before signing the final written judgment on May 13, 2014, he consulted with the District Attorney's Office about the damage provision set forth in Chapter 2308.404(c) of the Code.
13. Judge Contreras advised the Commission that the information contained on the Case Disposition Form was merely his notations of the amount of damages sought by the litigant and did not reflect that he had announced any judgment in open court.
14. Judge Contreras represented that the May 13<sup>th</sup> judgment was the only decision in the case, which he acknowledged had not been announced in open court as required by law.
15. Judge Contreras stated that he did not hold another hearing to announce the May 13, 2014 judgment because the litigant was "being very difficult" and was "very aggressive" towards his staff members.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part, that: "A judge shall comply with the law . . ."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part, that: "A judge . . . shall maintain professional competence in [the law]."
3. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part, that: "A judge shall accord to every person who has a legal interest in a proceeding, . . ., the right to be heard according to law."
4. Rule 505.1 (b) of the Texas Rules of Civil Procedure provides that when a case has been tried before the judge without a jury, the judge "must announce the decision in open court, note the decision in the court's docket, and render judgment accordingly."

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Judge Contreras failed to comply with the law and failed to maintain professional competence in the law when, after a bench trial, he (a) took the case under advisement, (b) entered a written judgment that was inconsistent with the

amount of damages sought and presented at trial, (c) failed to provide notice of the entry of the lower judgment amount to the parties, (d) failed to afford the parties an opportunity to be heard on the legal issue that resulted in the lower judgment amount, and (e) failed to announce the final judgment in open court as required by law. Judge Contreras' actions in this matter constituted willful violations of Canons 2A, 3B(2), and 3B(8) of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canons 2A, 3B(2), and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Robert (Bobby) Contreras, Justice of the Peace, Precinct 2, Place 1, in Pharr, Hidalgo County, Texas.

Pursuant to this Order, Judge Contreras must obtain **two (2) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2016. In particular, the Commission desires that Judge Contreras receive this additional education in the following areas: (1) Rule 505.1 of the Texas Rules of Civil Procedure, and (2) how and when it is permissible to change, correct, amend, or modify a judgment, the correct procedures for doing so, and ensuring due process to the litigants in the process.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Contreras in this case.

Judge Contreras shall complete the additional **two (2) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Contreras' responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **two (2) hours** of instruction described herein, Judge Contreras shall sign and return the 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 ADMONITION 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 28<sup>th</sup> day of January, 2016.

ORIGINAL SIGNED BY

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