

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 06- 9098

ORDER LIFTING SUSPENSION

On this day the Court considered the State Commission on Judicial Conduct's Request to Lift Suspension of the Honorable B. R. Duncan, Former Municipal Court Judge for the City of Garrison, Nacogdoches County, Texas, pursuant to Misc. Docket No. 05-9173.

The Court is of the opinion that such motion should be granted. It is therefore ordered that the suspension without pay of Judge B. R. Duncan is hereby lifted.

As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the
City of Austin

This 13th day of July, 2006



ANDREW WEBER, CLERK
SUPREME COURT OF TEXAS

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 9898

**Inquiry Concerning
CJC No. 05-0254-MU**

REQUEST TO LIFT SUSPENSION

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW the undersigned counsel for the State Commission on Judicial Conduct (hereinafter the "Commission"), and files this its Request to Lift Suspension, and respectfully shows the Court as follows:

1. On July 1, 2005, the Commission filed with this Honorable Court a Request for Suspension against the Honorable B. R. Duncan, Municipal Court Judge, Garrison, Nacogdoches County, Texas, based on Judge Duncan's failure to complete his required judicial education hours for fiscal year 2004.

2. On October 11, 2005, pursuant to Misc. Docket No. 05-9173, this Honorable Court suspended Judge Duncan, without pay, from office pending final disposition of the Commission's charge against him.

3. On or about May 11, 2006, Commission staff contacted officials at the City of Garrison Municipal Court to find out Judge Duncan's status. According to information obtained from those officials, Judge Duncan's term of office has expired and another judge has been appointed to replace him.

4. On May 11, 2006, based on the information obtained from the City of Garrison Municipal Court, the State Commission on Judicial Conduct met to consider the underlying allegations of judicial misconduct pending against Judge Duncan. The Commission voted to issue Judge Duncan a Public Admonition for his failure to maintain professional competence in the law by not obtaining the twelve hours of judicial education required of a municipal court

judge. The Commission also voted to request that this Honorable Court immediately lift the suspension against Judge Duncan.

Prayer

WHEREFORE, PREMISES CONSIDERED, the Commission respectfully requests that this Honorable Court immediately lift Judge Duncan's suspension as a result of the final resolution and disposition of the charge against him.

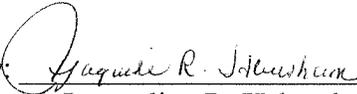
Respectfully submitted,

State Commission on Judicial Conduct

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(512) 463-5533
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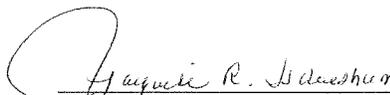
Seana B. Willing
Executive Director
Texas State Bar No. 00787056

Jacqueline R. Habersham
Senior Commission Counsel
Texas State Bar No. 00785931

By:  _____
Jacqueline R. Habersham

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the "Request to Lift Suspension" has been sent to Judge B. R. Duncan, at 751 Red Springs Rd., Garrison, Texas 75946, on this the 22nd day of June, 2006, via certified mail, return receipt requested.

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Jacqueline R. Habersham