

STATE COMMISSION ON JUDICIAL CONDUCT



ANNUAL REPORT FOR FISCAL YEAR 2018

STATE COMMISSION ON JUDICIAL CONDUCT

COMMISSION MEMBERS

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Catherine N. Wylie, Vice Chair

David C. Hall, Secretary

Demetrius K. Bivins

David M. Russell

David M. Patronella

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Appellate Justice, Dallas
Appointed by Texas Supreme Court
Term Expires: 11/19/2019

VICE-CHAIR

Hon. Catherine N. Wylie

Municipal Court Judge, Houston
Appointed by Texas Supreme Court
Term Expires: 11/19/2021

SECRETARY

Hon. David C. Hall

County Court at Law Judge, Sweetwater
Appointed by Texas Supreme Court
Term Expires: 11/19/2021

MEMBERS

Mr. Demetrius K. Bivins

Attorney, Houston
Appointed by State Bar of Texas
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Hon. Sujeeth B. Draksharam

Public Member, Sugar Land
Appointed by Governor
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Term Expires: 11/19/2023

Hon. Maricela Alvarado

Public Member, Harlingen
Appointed by Governor
Term Expires: 11/19/2023

Hon. Darrick L. McGill

Public Member, Georgetown
Appointed by Governor
Term Expires: 11/19/2021

Hon. Amy Suhl

Public Member, Sugar Land
Appointed by Governor
Term Expires: 11/19/2023

STATE COMMISSION ON JUDICIAL CONDUCT

COMMISSION STAFF

Eric Vinson, Executive Director

Royce Lemoine, Deputy Director

Jacqueline Habersham, Deputy General Counsel

Lorin Hayes, Commission Counsel

Joseph Unruh, Commission Counsel

Kelly Gier, Commission Counsel

Katherine Mitchell, Senior Investigator

Ron Bennett, Senior Investigator

Michael Graham, Investigator

Crystal Lopez, Legal Assistant

Kathryn Crabtree, Staff Services Officer

Connie Paredes, Administrative Assistant

Cherie Thomas, Administrative Assistant

STATEMENT FROM THE CHAIR

On behalf of the State Commission on Judicial Conduct, we are pleased to present this Annual Report summarizing the work of the State Commission on Judicial Conduct for the Fiscal Year 2018. This Report is intended to provide a general overview of the judicial disciplinary system in Texas. In addition, the Report highlights the important role the Commission plays in maintaining public confidence in the Texas judiciary.

Comprised of 13 members who supply a unique mix of professional backgrounds, the Commission fulfills a unique and vital function in the affairs of our State. The Commission was created by the Texas Constitution and is charged to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary, and to encourage judges to maintain high standards of conduct both on and off the bench.

The specific work of the Commission is to receive, investigate, and decide the merits of complaints made by citizens against Texas state judges each year. In order to accommodate the public, complaints may be filed online directly with the Commission. Then, after investigation by the Commission's professional staff, the Commission reviews the merits of each complaint. Some complaints must be dismissed because they do not allege judicial misconduct. Others call for counseling or other assistance for a judge who may have made an honest mistake. Still others require disciplinary action and the Commission may publicly or privately admonish, warn or reprimand a judge who is guilty of misconduct. Finally, some cases are serious enough to warrant censure or removal in which case the Commission must move forward with formal legal proceedings.

Each complaint the Commission reviews represents a matter of great importance to the respondent judge, the complainant, and the public. Decisions of the Commission are carefully made and weigh heavily on the minds of the Commission members. In the end, whether a complaint results in a dismissal or a sanction, we are resolute in our determination to protect the integrity and independence of the judiciary while holding it accountable to the public through a strong and independent Commission.

It has been an honor to be a part of the State Commission on Judicial Conduct and serve as its Chair.


Justice Douglas S. Lang, Chair
State Commission on Judicial Conduct

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PHILOSOPHY

The members of the State Commission on Judicial Conduct and Commission staff take their obligations to the citizens and judges of Texas seriously. The political affiliation, gender, ethnicity, religious background, sexual orientation, socioeconomic status, geographical location, or the position of a complainant or a judge are not considered in the Commission's review of cases. The Commission's ability to fulfill its constitutional mandate requires that each Commissioner and staff member act with honesty, fairness, professionalism and diligence.

The agency reviews every allegation of misconduct made against a Texas judge. Each complaint alleging misconduct on its face is thoroughly investigated and analyzed by Commission staff before being presented to the Commissioners. This process helps preserve the public's confidence in the integrity of the judicial process. Judges are held to the highest standards of ethical conduct, both on and off the bench, and the both Commission and its employees strive to conduct themselves in a similar manner.

OVERVIEW OF THE COMMISSION

Authority of the Commission

Created in 1965 by an amendment to Article V of the Texas Constitution, the State Commission on Judicial Conduct is the independent judicial branch agency responsible for investigating and addressing allegations of judicial misconduct or permanent disability.

The Commission's jurisdiction includes all sitting Texas judges, including municipal judges, justices of the peace, criminal magistrates, county judges, county court at law judges, statutory probate judges, district judges, appellate judges, masters, associate judges, referees, retired and former judges who sit by assignment, and judges *pro tempore*. The Commission has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or the State Office of Administrative Hearings, or private mediators or arbitrators. Although judicial candidates are required to comply with the Texas Code of Judicial Conduct, the Commission does not have authority to sanction anyone who is not a sitting judge at the time of the alleged misconduct. Instead, an alleged violation of the canons by a judicial candidate who is not a judge at the time of the conduct may be subject to review by other authorities including the State Bar, the Attorney General, the Secretary of State, or the local District Attorney.

Members of the Commission

There are thirteen members of the Commission, each of whom serves a staggered six-year term, as follows:

- Six judges, one from each of the following courts: appellate, district, county court at law, constitutional county, justice of the peace and municipal, appointed by the Supreme Court of Texas;
- Five citizen members who are neither attorneys nor judges, appointed by the Governor; and
- Two attorneys who are not judges, appointed by the State Bar of Texas.

By law, the appellate, district, constitutional and statutory county judges and the two attorney members who serve on the Commission must be appointed from different appellate districts in Texas. Meanwhile, the justice of the peace, municipal court judge and public members are at-large appointments. The Texas Senate confirms all appointees. Commissioners meet six times each year and receive no pay for their service.

Laws Governing the Commission

The Commission is governed by Article V, Section 1-a, of the Texas Constitution, Chapter 33 of the Texas Government Code, the Texas Procedural Rules for the Removal or Retirement of Judges, and the Texas Code of Judicial Conduct. As a part of the judicial branch with its own constitutional and statutory provisions regarding confidentiality of papers, records and proceedings, the Commission is not

governed by the Texas Public Information Act, the Texas Open Meetings Act, or the Texas Administrative Procedures Act.

Defining Judicial Misconduct

Article V, Section 1-a(6)A of the Texas Constitution defines judicial misconduct as the “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 [the judge’s] duties or casts public discredit upon the judiciary or administration of justice.”

Accordingly, a judge’s violation of the Texas Constitution, the Texas Penal Code, the Texas Code of Judicial Conduct, or rules promulgated by the Supreme Court of Texas may constitute judicial misconduct. Specific examples of judicial misconduct include:

- failure to cooperate with the Commission’s investigation
- inappropriate or demeaning courtroom conduct, including yelling, use of profanity, demonstrated gender bias or the use of racial slurs
- improper *ex parte* communications with only one side in a case
- a public comment regarding a pending case
- presiding over a case in which the judge has an interest in the outcome, or in which any of the parties, attorneys or appointees are related to the judge within a prohibited degree of kinship
- out of court activities, including criminal conduct, engaging in improper financial or business dealings, improper fundraising activities, sexual harassment or official oppression

Sources of Complaints and Allegations

The Commission considers allegations from any source, including an individual, a news article, or information obtained during an investigation. There is no requirement that a person who files a complaint be the target or victim of the alleged misconduct, nor does the Commission require a complainant to have firsthand knowledge of the alleged misconduct. Complaints may be made anonymously, or a complainant may request confidentiality; however, anonymous complaints and requests for confidentiality may restrict the Commission’s ability to fully investigate the allegations. Furthermore, while the Commission strives to maintain confidentiality to those complainants who request it, the Commission may, in its discretion, reveal the identity of a confidential complainant when doing so serves the Commission’s interest in protecting the public by addressing misconduct.

Commission Limitations

The Commission cannot change the decision or ruling of any court, nor can the Commission intervene in any pending case or proceeding. The Commission is also unable to remove a judge from a case. If the Commission determines that a judge has committed misconduct in an ongoing case, the Commission may only issue a sanction against the judge, or institute proceedings that would authorize the eventual removal of the judge from the bench. Nonetheless, it is the strong preference of the Commission not to make any finding that would impact or alter the outcome of an ongoing case.

Neither the Commission nor its staff can provide legal assistance or advice to a complainant, nor can it award damages or provide monetary relief to anyone.

Commission Investigations and Actions

Complaints are reviewed, analyzed and investigated by Commission staff. An investigation may include a review of court records and witness interviews. The Commission also endeavors to obtain a respondent judge's perspective before contemplating issuing any discipline against the judge. Once all the information is obtained through the investigation, the materials are presented to the Commission for deliberation. Typically, the Commission will either dismiss or sanction a judge at that point. Occasionally, as the facts and law warrant, the Commission may seek to suspend a judge, accept a voluntary resignation agreement from a judge in lieu of disciplinary action, or institute formal proceedings, as appropriate.

Commission Organization and Staff

In fiscal year 2018, the Commission had fourteen authorized staff positions (Full Time Equivalents, or "FTEs"). For the year, Commission's staff included the Executive Director, the Deputy Director, the Deputy General Counsel, three staff attorneys, four investigators, one legal assistant, a staff services officer, and two administrative assistants. All Commission staff members are full time State employees.

The Commission's legal staff, which consists of attorneys, legal assistants and investigators, is responsible for the evaluation and investigation of complaints. The investigators and legal assistants handle in-house and field investigations, screen all new cases and are also responsible for preparing legal documents and assisting the attorneys in the prosecution of disciplinary proceedings. The attorneys are responsible for investigating allegations of judicial misconduct or incapacity, presenting cases to the Commission, prosecuting disciplinary cases before Special Courts of Review, Special Masters, and Review Tribunals, responding to ethics calls, and speaking about judicial ethics at judicial educational and training seminars.

The Commission staff attorneys serve as Examiners, or trial counsel, during formal proceedings and on appeals from Commission actions. The Examiner is responsible for all aspects of preparing and presenting a case before the Commission, Special Master, Special Court of Review or Review Tribunal. The Commission may also employ Special Counsel, chosen from distinguished members of the bar, to assist staff in preparing and presenting these cases. Attorneys from the Office of the Attorney General have also represented the Commission as Special Counsel in formal proceedings.

The Executive Director heads the agency and reports directly to the Commission. The Executive Director is also the primary liaison between the Commission and the judiciary, legislators, other government officials, the public and the media.

Outreach and Education

In fiscal year 2018, the Executive Director and staff attorneys participated in approximately twenty presentations at judicial training courses, bar conferences, outreach programs, and court staff workshops, describing the Commission and its operations and discussing various forms of judicial misconduct.

Ethics Calls

In fiscal year 2018, the Executive Director and staff attorneys responded to approximately 500 inquiries from judges, judicial candidates, attorneys, legislators, the media and citizens regarding judicial

ethics. Callers are informed that Commission staff cannot issue an opinion on behalf of the Commission, and that the Commission is not bound by any comments made during the conversation. As appropriate, a caller's question may be researched before the call is returned so that the specific canon, statute, rule or ethics opinion can be identified. When appropriate, staff will send the caller a Complaint Form (in English or Spanish) and other relevant material. In some instances, staff may refer callers to other resources or agencies better able to address their concerns.

Commission Website/Online Complaints

The Commission's website is located at www.scjc.texas.gov. In March of 2016, the Commission added an online portal to its website allowing users to electronically file complaints with the agency. During fiscal year 2017, 57% of complaints were filed electronically, and during fiscal year 2018, 50% of the complaints received were filed through the Commission's website.

The Commission's website also provides downloadable complaint forms in English and Spanish. The website offers: answers to frequently-asked questions regarding the Commission's composition, structure and jurisdiction; information about the judicial complaint process; a description of the range of decisions the Commission can make; explanations of the procedures for a judge or a complainant to appeal a decision by the Commission. Further, the website provides statistical information about the Commission and updated sanctions, resignations, suspensions, and Opinions issued by Special Courts of Review and Review Tribunals.

The Commission's governing provisions (the Texas Code of Judicial Conduct; Article V, Section 1-a of the Texas Constitution; Chapter 33 of the Texas Government Code; and the Texas Procedural Rules for the Removal or Retirement of Judges) are all linked on the website as well.

Public Information

The availability of information and records maintained by the Commission is governed by Rule 12 of the Texas Rules of Judicial Administration, the Texas Constitution and the Texas Government Code. Commission records are not subject to public disclosure pursuant to the Public Information Act (formerly the Open Records Act) or the Freedom of Information Act.

Generally, Commission records are confidential, with the following exceptions:

- Constitution: Article V, Section 1-a(10) of the Texas Constitution provides that "All papers filed with and proceedings before the Commission or a Master shall be confidential, unless otherwise provided by law..."
- Government Code:
 - When the Commission issues a public sanction against a judge, Section 33.032 of the Texas Government Code provides that "the record of the informal appearance and the documents presented to the commission during the informal appearance that are not protected by attorney-client or work product privilege shall be public."
 - This Section also provides that suspension orders and voluntary agreements to resign in lieu of disciplinary proceedings are publicly available.
 - Section 33.032 also authorizes the release to the public of papers filed in a formal proceeding upon the filing of formal charges.

- Judicial Administration: Rule 12 of the Texas Rules of Judicial Administration provides for public access to certain records made or maintained by a judicial agency in its regular course of business, *but not pertaining to its adjudicative function*. Commission records relating to complaints, investigations, and its proceedings are not judicial records and are not subject to public disclosure pursuant to Rule 12.

When the Commission takes action on a complaint, whether dismissing it, issuing a private or public sanction, accepting a voluntary agreement to resign in lieu of disciplinary action, or instituting formal proceedings, the complainant is notified in writing. However, the Texas Government Code requires that the Commission omit the judge's name from the notice to the complainant unless a public sanction has been issued.

Additionally, the Constitution provides that in instances where issues concerning a judge or the Commission have been made public by sources other than the Commission, the Commission may make a public statement. In such a situation, the Commission determines whether the best interests of a judge or the public will be served by issuing the statement. No public statements were issued in fiscal year 2018.

THE COMPLAINT PROCESS

Introduction

Each complaint stating an allegation of judicial misconduct is thoroughly reviewed, investigated and analyzed by the Commission staff. Complaints must be filed with the Commission in writing. Complaints sent by fax or through e-mail are generally not accepted; however, complaints may be filed electronically through the agency's online portal.

Although it is not mandatory that a complainant submit his or her allegation on the Commission's complaint form, the specific information sought is essential to the efficient handling of a complaint. Complaint forms are available in English and Spanish from the following sources:

- Complete and submit electronically through the Commission's online portal at www.scjc.texas.gov/public-information/complaint-form.aspx or
- Telephone requests to the Commission at (512) 463-5533 or toll free at (877) 228-5750

The Commission may also initiate a complaint upon a media report, court documents, the internet or other sources. A complainant may request that the Commission keep his or her identity confidential. Additionally, the Commission accepts anonymous complaints.

After a complaint is filed, the Commission sends an acknowledgment letter to the complainant and staff begins its investigation and analysis of the allegations. Complainants may be asked to provide additional information or documents. As appropriate, staff conducts legal research and contacts witnesses. If the evidence obtained during the investigation calls for a response from the judge, an attorney will contact the judge to obtain a response to the allegations before presenting the matter to the Commission for consideration. When deemed appropriate by staff, an attorney or investigator may travel to the judge's county for further investigation and interviews.

When the investigation is completed, the case is presented to the Commission for its consideration. In some cases, the Commission may invite a judge, complainant, or other witnesses to appear and discuss the allegations. Based on the specific constitutional provisions, statutes and canons under which the Commission operates, it considers and votes on every complaint investigated by staff.

If the Commission chooses to issue a public sanction, an order describing the Commission's findings is prepared and distributed to the respondent judge, with a copy provided to the complainant. The order is then publicly disseminated to ensure public awareness. If the Commission votes to issue a private sanction, the appropriate order is prepared and tendered to the respondent judge, and the complainant is notified by letter of the Commission's action. Because the Commission is controlled by constitutional and statutory provisions that prohibit the release of information regarding investigation and resolution of a case, the only details released to the public are a summary of the operative facts of the matter posted on the Commission's website. However, in cases where a judge has voluntarily agreed to resign in lieu of disciplinary action, that agreement becomes public upon the Commission's acceptance of it, and the complainant is so notified.

Likewise, whenever the Commission suspends a judge after he or she has been indicted for a criminal offense, or charged with a misdemeanor involving official misconduct, the Commission releases the order of suspension and all records related to any post-suspension proceedings to the public.

Commission Decisions

Commission members review, deliberate and vote on each investigated complaint. This may result in a dismissal, a public or private order of additional education either alone or in combination with a public or private sanction, a public or private admonition, warning or reprimand, the acceptance of a voluntary agreement to resign from judicial office in lieu of disciplinary action, or formal proceedings for removal or retirement of the judge from the bench. If the judge appeals a decision of the Commission, the Texas Supreme Court randomly appoints three appellate judges to serve as a Special Court of Review. That Court's decision-making authority includes dismissal, affirmation of the Commission decision, imposition of a greater or lesser sanction, or the initiation of formal proceedings. The decision of the Special Court of Review is final and may not be appealed.

The Commission's decisions and actions in responding to allegations or complaints of judicial misconduct fall into one of the following categories:

1. Administrative Dismissal Report ("ADR")

A case is dismissed administratively when a complainant's writing fails to state an allegation which, if true, would constitute one or more of the following: (a) a willful or persistent violation of rules promulgated by the Supreme Court of Texas, (b) incompetence in performing the duties of the office, (c) willful violation of the Texas Code of Judicial Conduct, or (d) willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Generally, the fact that a judge made a legal error while ruling on a motion, an objection, the admission or exclusion of evidence, or in the ultimate outcome of the case, does not constitute judicial misconduct unless there is evidence of bad faith, persistent legal error, or the legal error was egregious. Only an appellate court has the power to review and change a judge's decision in any case. In addition, gratuitous claims of misconduct unsupported by any facts or evidence will often be administratively dismissed. These cases are dismissed following an initial review without an investigation. In letters of dismissal sent to these complainants, the Commission provides an explanation for the decision and provides Complainants the opportunity to have the Commission reconsider the decision to dismiss the case before investigation. Staff may grant a complainant's ADR reconsideration request, but only the Commission has the authority to deny an ADR reconsideration request.

2. Dismissal

The Commission may dismiss a case after conducting a preliminary or full investigation of the allegations. Reasons for these dismissals include insufficient or no evidence of misconduct,¹ the judge demonstrated that he or she took appropriate actions to correct the conduct at issue, or the conduct, though problematic, did not rise to the level of sanctionable misconduct. In letters of dismissal sent to these complainants, the Commission provides an explanation for the dismissal, and describes the steps the complainant may take for the Commission to reconsider its decision. The Commission may also include cautionary advice to judges whose complaints have been dismissed after the judge has taken appropriate

¹ In contrast to cases dismissed administratively following an initial review, cases dismissed following a preliminary investigation in which it was determined that there was no evidence of judicial misconduct are classified as "frivolous" pursuant to Section 33.022 of the Texas Government Code.

corrective action or in those cases where disciplinary action was deemed unwarranted given the facts and circumstances surrounding the alleged infraction.

3. Order of Additional Education

Legal and procedural issues are often complex, so it is not surprising that some judges take judicial action beyond their authority or contrary to procedural rules. In these situations, the Commission may conclude that the judge has demonstrated a deficiency in a particular area of the law, warranting an order of additional education. The Commission then coordinates the assignment of a mentor judge for one-on-one instruction with the judge, to be completed within a specified time on particular subjects. The mentor judge then reports to the Commission on the respondent judge's progress. The Commission may also order the judge to obtain education on other issues, such as anger management, gender or racial sensitivity, or sexual harassment. The Commission may issue an order of additional education alone or as part of a private or public sanction.

4. Private or Public Sanction

The Commission issues disciplinary sanctions when a preponderance of evidence supports a finding of judicial misconduct. The most severe disciplinary action available to the Commission is a *public censure*, which may be issued only after formal proceedings have been initiated by the Commission. If, after a public fact-finding trial, the Commission determines that the underlying allegations of the complaint are true but do not support a recommendation for removal from office, a *censure* may be issued as a public denunciation of the judge's conduct. Alternatively, the Commission may also issue a public reprimand, warning, or admonition following a formal proceeding.

The next most severe sanction is a *public reprimand*. A *reprimand* is the most severe sanction available to the Commission at the informal stage of disciplinary proceedings. A less severe sanction is a *public warning*, followed by a *public admonition*. A *warning* puts the judge on notice that the actions identified in the sanction are improper. An *admonition* is the lowest level of sanction.

A judge may appeal any sanction or public censure to a Special Court of Review. The process for appealing a public censure, reprimand, warning or admonition issued by the Commission after formal proceedings is different than that of a *de novo* review of a sanction issued after informal proceedings.

If a *public sanction* or *censure* is issued, all information considered by the Commission, including the judge's name, is made public. Public sanctions are issued not only to identify the specific conduct, but to educate judges that such conduct is inappropriate. This also ensures that the public is made aware of actions that violate the Code of Judicial Conduct. When the Commission elects to issue a *private sanction*, the judge's name and all information considered by the Commission remain confidential.

5. Suspension

The Commission has the power to suspend a judge from office, with or without pay, after the judge has been either indicted by a grand jury for a felony, or charged with a misdemeanor involving official misconduct. In these cases, the suspended judge has the right to a post-suspension hearing before one or more of the Commission members or the Executive Director, as designated by the Commission Chair.

In cases other than formal criminal charges, the Commission, upon the filing of a sworn complaint and after giving the judge notice and an opportunity to appear before the Commission, may recommend to the Supreme Court of Texas that a judge be suspended from office, with or without pay, for persistent violation of rules promulgated by the Supreme Court, incompetence in performing the duties of office,

willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his or her duties, or that casts public discredit on the judiciary or the administration of justice.

6. Voluntary Agreement to Resign

In some cases, a judge subject to a Commission investigation may decide to resign in lieu of disciplinary action. In that event, the judge may tender to the Commission a voluntary agreement to resign from judicial office. Upon the Commission's acceptance, the agreement is made public and the judge vacates the bench. The agreement and any agreed statement of facts relating to it are admissible in subsequent proceedings before the Commission. While the agreement, including any documents referenced in the agreement, is public, any other records relating to the underlying case remain confidential and are only released to the public if the judge violates a term of the agreement.

7. Formal Proceedings

In certain circumstances, the Commission may decide that a complaint against a judge is so egregious that it should be handled and resolved through a formal proceeding. The Commission itself may conduct such a fact-finding hearing, or it may request the Supreme Court of Texas to appoint a Special Master (who must be a sitting or retired district or appellate judge) to hear the matter. Such proceedings are governed by the Texas Rules of Civil Procedure and the Texas Rules of Evidence to the extent practicable.

Although there is no right to a trial by jury in a formal proceeding, the judge is afforded certain other rights in a formal proceeding under the Texas Procedural Rules for the Removal or Retirement of Judges, including the following:

- to be confronted by the judge's accusers
- to introduce evidence
- to be represented by counsel
- to examine and cross-examine witnesses
- to subpoena witnesses
- to obtain a copy of the reporter's record of testimony

If the formal proceeding has been conducted before a Special Master, he or she reports the findings of fact to the Commission. If either party files objections to the Master's Report, the Commission will hold a public hearing to consider the report of the Special Master and any objections. The Commission may adopt the Special Master's findings in whole or in part, modify the findings, totally reject them and enter its own findings, or order a hearing for the taking of additional evidence.

After adopting findings of fact, the Commission issues its conclusions of law. The Commission may dismiss the case, issue a public censure, reprimand, warning or admonition, or recommend removal or involuntary retirement to a seven-member Review Tribunal appointed by the Supreme Court of Texas. The Commission itself cannot remove a judge; only the Review Tribunal can order a judge removed from the bench. The Review Tribunal may also enter an order prohibiting the judge from ever holding a judicial office again.

Although the Commission's recommendation for removal cannot be appealed, the judge may appeal the decision of the Review Tribunal to the Texas Supreme Court. A judge may also appeal the Commission's decision to issue a public censure or sanction to a Special Court of Review.²

Appellate Review of Commission Action

A judge may appeal the Commission's issuance of any public or private sanction, order of additional education, or public censure within thirty days of the date the Commission issues the sanction by filing a written notice with the Chief Justice of the Supreme Court of Texas and requesting the appointment of three appellate justices to act as a Special Court of Review.

Within fifteen days after the Special Court of Review is appointed, the Commission, through its Examiner, must file with the Clerk of the Texas Supreme Court a "charging document," which includes a copy of the sanction issued, as well as any additional charges to be considered in the *de novo* proceeding.³ These records become public upon filing with the Clerk, who is responsible for furnishing a copy to the petitioning judge and to each justice on the Special Court of Review.

In an appeal of a sanction issued following the informal proceeding stage, a trial *de novo* is scheduled within thirty days after the charging document is filed. The Special Court of Review considers the case from the beginning, as though it were standing in the place of the Commission (though the Special Court of Review is made aware of the Commission's decision). The Texas Rules of Civil Procedure apply, insofar as practicable, except that the judge is not entitled to a jury trial. All documents filed and evidence received in the review process are public.

The Special Court of Review may dismiss or affirm the Commission's decision, impose a greater or lesser sanction, or order the Commission to file formal proceedings against the subject judge for removal or involuntary retirement. The decision of the Special Court of Review is final and cannot be appealed.

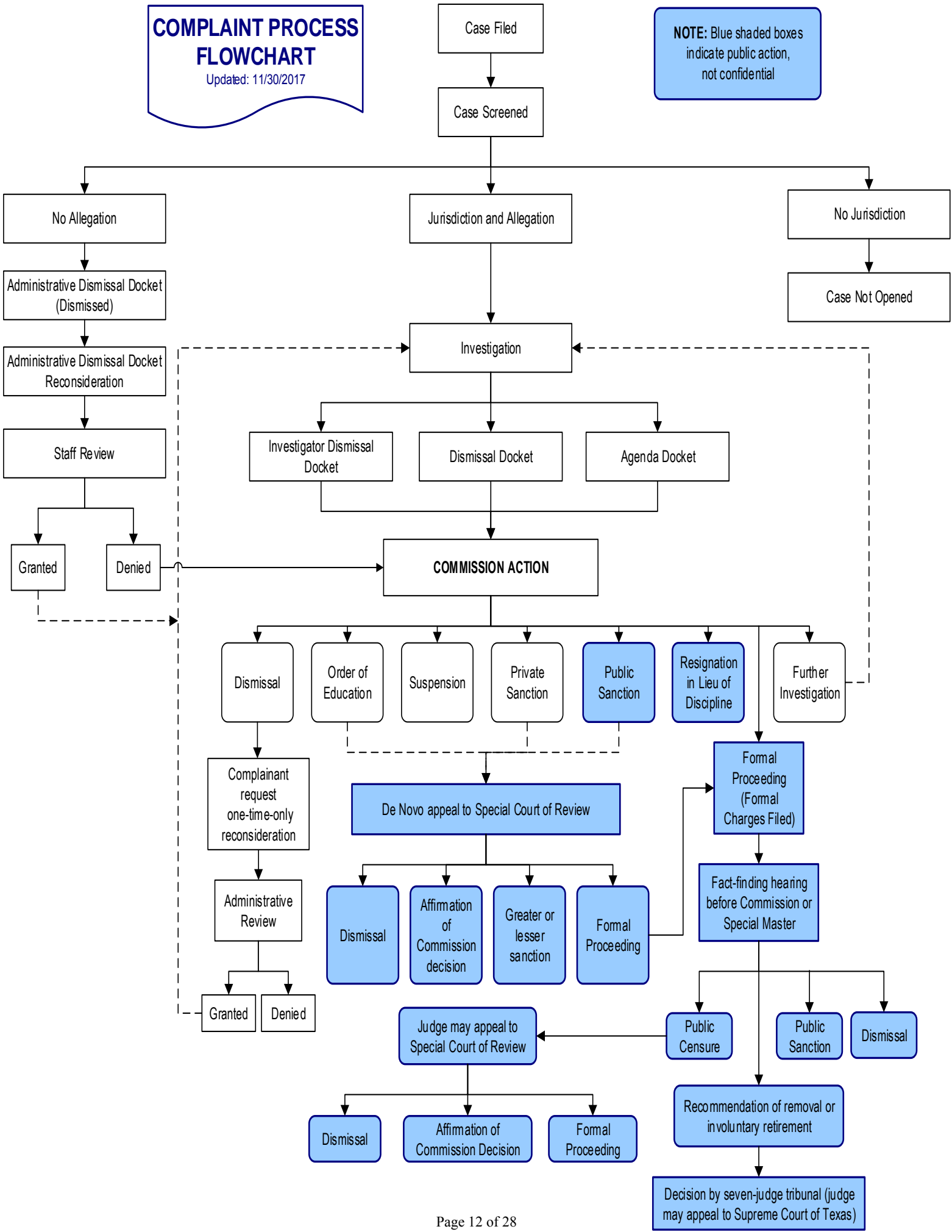
² In 2009, Section 33.034 of the Texas Government Code was amended to provide judges the right to appeal a public censure issued by the Commission following a formal proceeding. In 2013, Section 33.034 was amended further to provide the right to appeal a public reprimand, warning, or admonition issued after a formal proceeding. The Texas Supreme Court has been charged with the responsibility of drafting the procedural rules that will govern this process.

³ Sanctions issued in the informal proceeding stage may be reviewed in a trial *de novo*, in the same way that a case tried in a justice court may be appealed to a county court. By contrast, the appeal of a sanction or censure issued following a formal proceeding is a "review of the record of the proceedings that resulted in the sanction or censure and is based on the law and facts that were presented in the proceedings and any additional evidence that the Special Court of Review in its discretion may, for good cause shown, permit." *See* Section 33.034(e)(1), Texas Government Code.

COMPLAINT PROCESS FLOWCHART

Updated: 11/30/2017

NOTE: Blue shaded boxes indicate public action, not confidential



STATISTICAL ANALYSIS

An outline of the statistical activity for the Commission through the end of fiscal year 2018 is shown in **Table 1** immediately following this section. Tables 2 and 3 illustrate the types of dispositions made by the Commission including the type of discipline issued. Graphic representations of the data are also presented in **Figures 1** through **7** to further illustrate the activities of the Commission.

According to Office of Court Administration records, approximately 3,781 judges were under the jurisdiction of the Commission in fiscal year 2018.

Figure 1 illustrates the Texas judiciary by the number of judges in each category. **Figure 2** shows the number and percentage of cases filed with the Commission by judge type. **Figure 3** shows the number of complaints resulting in disciplinary action by the Commission against each judge type. **Figure 4** shows the number of cases disposed of by type of complainant in fiscal year 2018.

In fiscal year 2018, the Commission took action in 97 cases involving Texas judges. The Commission disposed of 82 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education. Seven cases were resolved by voluntary agreements to resign from judicial office. The Commission issued six orders of suspension and instituted formal proceedings against one judge in fiscal year 2018.

Figures 5a and 5b show the total number of cases filed with and disposed by the Commission between fiscal years 2013 and 2018. In fiscal year 2018, the Commission opened 1,593 cases – a 3.8% increase over the number of filings in fiscal year 2017. The Commission disposed of 1,661 cases in fiscal year 2018, representing a 24.61% increase in dispositions over fiscal year 2017. With 1,593 complaints received and 1,661 dispositions, the Commission's disposition rate for fiscal year 2018 was 104.27%.

A comparison of public discipline, private discipline and interim actions taken by the Commission in fiscal years 2015 through 2018 is shown in **Figures 6a** and **6b**.

Of the 1,661 cases closed in fiscal year 2018, 21 were dismissed with language advising the judge about technical or *de minimus* violations, or violations of aspirational canons, and cautioning the judge to avoid similar conduct in the future. Additionally, four cases were dismissed after the judge demonstrated that he or she took appropriate measures to correct conduct that resulted in an investigation. Approximately 53% of the cases closed in fiscal year 2018 alleged no judicial misconduct. The number (526) and percentage (31.67%) of cases closed following a preliminary investigation rose in 2018 relative to 2017. Meanwhile, the number (261) and percentage (15.71%) of full investigations requiring a response from the judge was lower in fiscal year 2018 relative to 2017. A comparison of initial, preliminary and full investigations conducted by the Commission in fiscal years 2015 through 2018 is shown in **Figures 7a** and **7b**.

In compliance with Section 33.005 of the Texas Government Code, the chart on **Table 2** provides a breakdown of the dispositions of the 1,661 cases closed during fiscal year 2018, including the number of cases dismissed following preliminary investigation with a determination that the allegation was frivolous or unfounded, or because the facts alleged did not constitute judicial misconduct or the evidence did not support the allegation of judicial misconduct. **Table 3** shows, in order of prevalence, the types of allegations or canon violations that resulted in disciplinary action during fiscal year 2018.

In fiscal year 2018, the Commission addressed a record number of appeals to its sanctions through the Special Court of Review process set forth in Section 33.034 of the Texas Government Code. In all, seven judges invoked their statutory right to have a three judge panel engage in a *de novo* review of the Commission's respective sanctions. Of the seven Special Courts of Review requested during fiscal year 2018, four were dismissed before the final hearings were held (thereby reinstating the Commission's respective sanctions). Of the three Special Court of Review proceedings that went to final hearing:

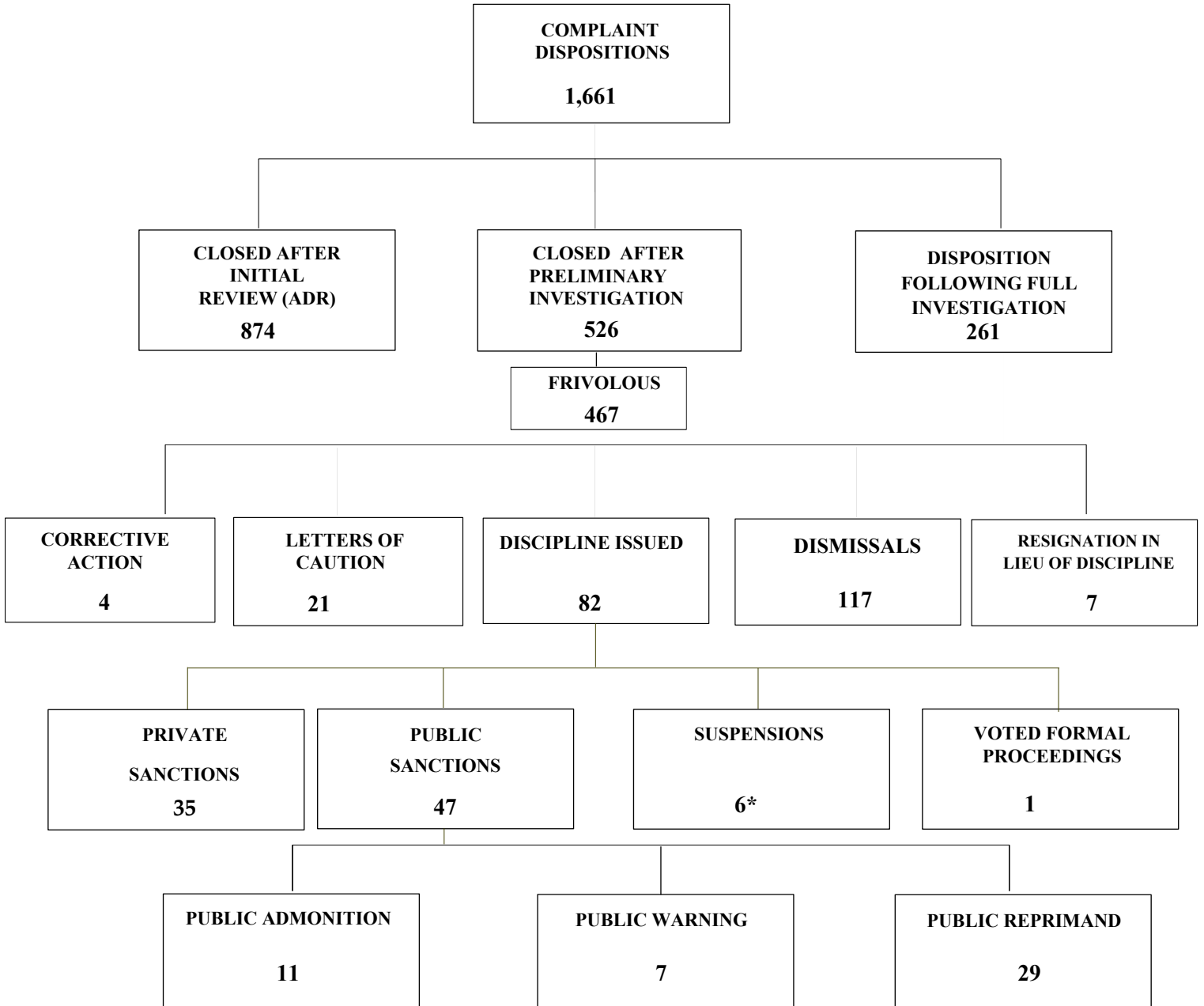
- one Special Court of Review dismissed the Commission's sanction;
- one Special Court of Review reduced the Commission's sanction from a Public Warning to a Public Admonition; and
- one Special Court of Review affirmed the Commission's issuance of a Public Admonition.

Finally, the Commission receives hundreds of pieces of mail every year that do not pertain to the conduct of Texas judges. In fiscal year 2018, an estimated 300 people wrote to the Commission complaining of individuals or entities that were outside of the Commission's jurisdiction. When possible, those complainants were provided additional written information and referred to other resources to help them resolve their concerns.

Table 1: Commission Activity

Item	FY 2015	FY 2016	FY 2017	FY 2018
Cases Pending (Beginning FY/Ending FY)	650/477	477/625	625/827	827/759
Cases Filed	1066	1193	1535	1593
Total Number of Cases Disposed	1245	1050	1333	1661
% of Cases Disposed	116.79%	88.24%	86.84%	104.27%
Average Age of Case Disposed (in months)	6.9	5.9	6.02	5.83
Disciplinary Action (total)	96	69	62	84
Cases Disposed through:				
Criminal Conviction	0	0	0	0
Review Tribunal Order	0	0	0	0
Voluntary Agreement to Resign in Lieu of Disciplinary Action	14	11	8	7
Sanction				
Public Censure	0	0	0	0
Public Censure and Order of Add'l Education	0	0	0	0
Public Reprimand	25	10	2	6
Public Warning	1	0	1	1
Public Admonition	7	0	0	7
Public Sanction and Order of Add'l Education	16	14	23	33
Private Reprimand	9	2	1	2
Private Warning	1	5	3	7
Private Admonition	5	4	4	7
Private Sanction and Order of Add'l Education	13	18	14	16
Public Order of Add'l Education	0	0	0	0
Interim Disciplinary Action (total)				
Order of Suspension [15(a)]	5	2	1	6
Recommendation of Suspension to Supreme Court [15(b)]	0	1	1	1
Cases in Formal Proceedings	0	0	1	1
Dismissals	1154	981	1282	1579
Requests for Reconsideration Received (Dismissal)	52	28	23	59
Reconsideration Granted/Denied	0/53	2/24	1/25	1/58
Pending	0	2	1	0
Requests for Reconsideration Received (ADR)	n/a	n/a	29	191
Reconsideration Granted/Denied	n/a	n/a	1/28	1/190
Pending	n/a	n/a	0	0
Cases Appealed to Special Court of Review	6	0	2	7
Informal Hearings held	17	13	18	24
Public Statements Issued	0	0	0	0

TABLE 2
2018 COMPLAINTS
DISPOSITIONS



* Not a final disposition

**TABLE 3 – TYPES OF CONDUCT RESULTING IN DISCIPLINE
IN FISCAL YEAR 2018**

The types of conduct are listed in order of prevalence. The numbers indicate the number of times each type of conduct resulted in discipline. A single act of misconduct was counted once and assigned to the category most descriptive of the misconduct. If multiple types of misconduct were involved in a single case, each different type of conduct was counted and assigned to the appropriate category. However, if the same type of conduct occurred on multiple occasions in a single case, it was counted only once.

Failed to Comply with Law
[25]

Incompetence
[21]

*Willful or Persistent Conduct
Casting Public Discredit*
[11]

Improper Demeanor
[14]

Using Prestige of Judicial Office
[14]

*General
Bias/Prejudice*
[1]

*Bias/Prejudice Based
on Protected Class*
[4]

Influential Relationship
[5]

*Improper Ex Parte
Communications*
[2]

Right to be Heard
[6]

*Extra-Judicial Conduct
(Financial and Nonfinancial)
Raised Doubts about Judge's
Impartiality/Interferes with
Judicial Activities*
[5]

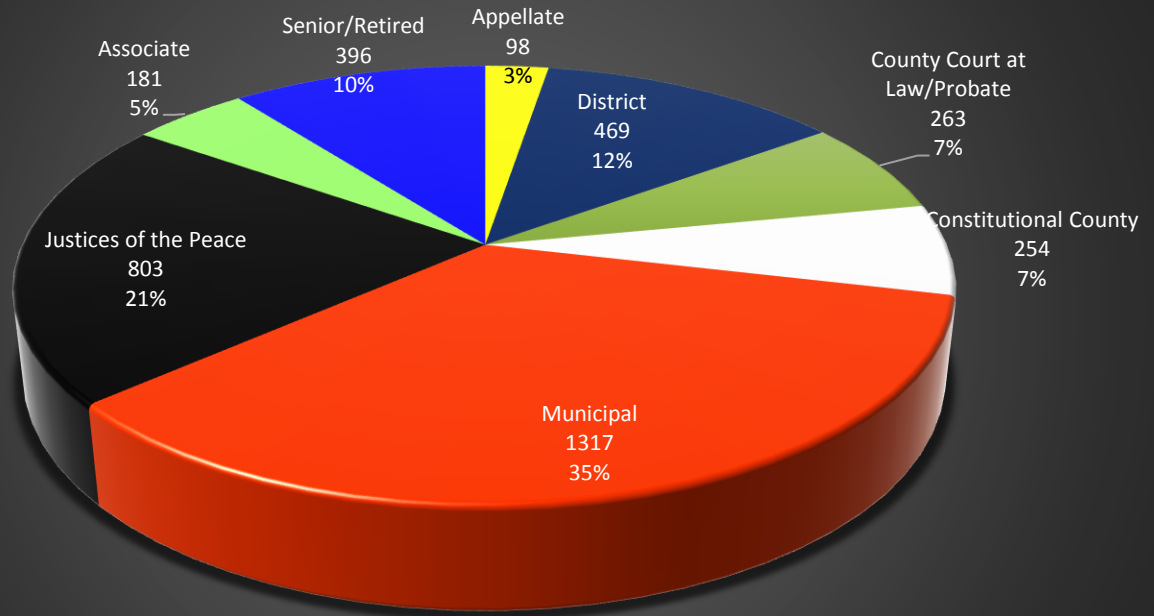
Recusal/Disqualification
[6]

*Misrepresentation of
Judge's Present
Position*
[1]

*Authorize Name
to Endorse Candidate*
[3]

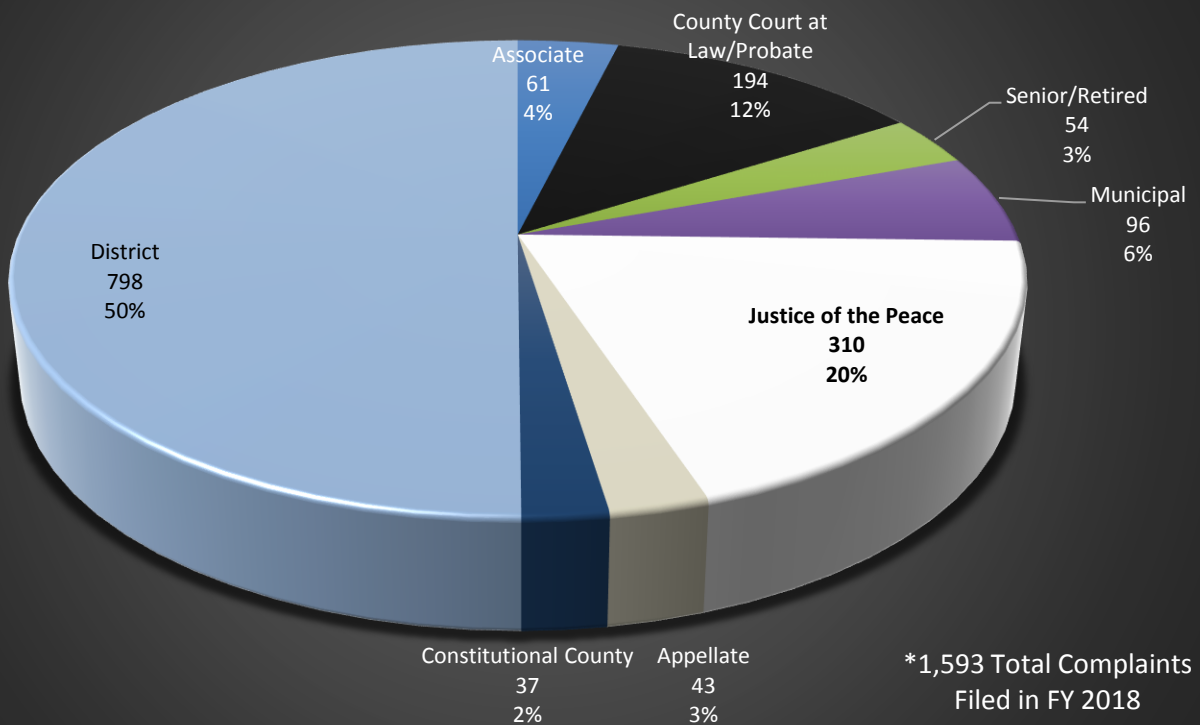
*Failure to Timely Execute the
Business of the Court*
[2]

Fig. 1 Total Number of Texas Judges*



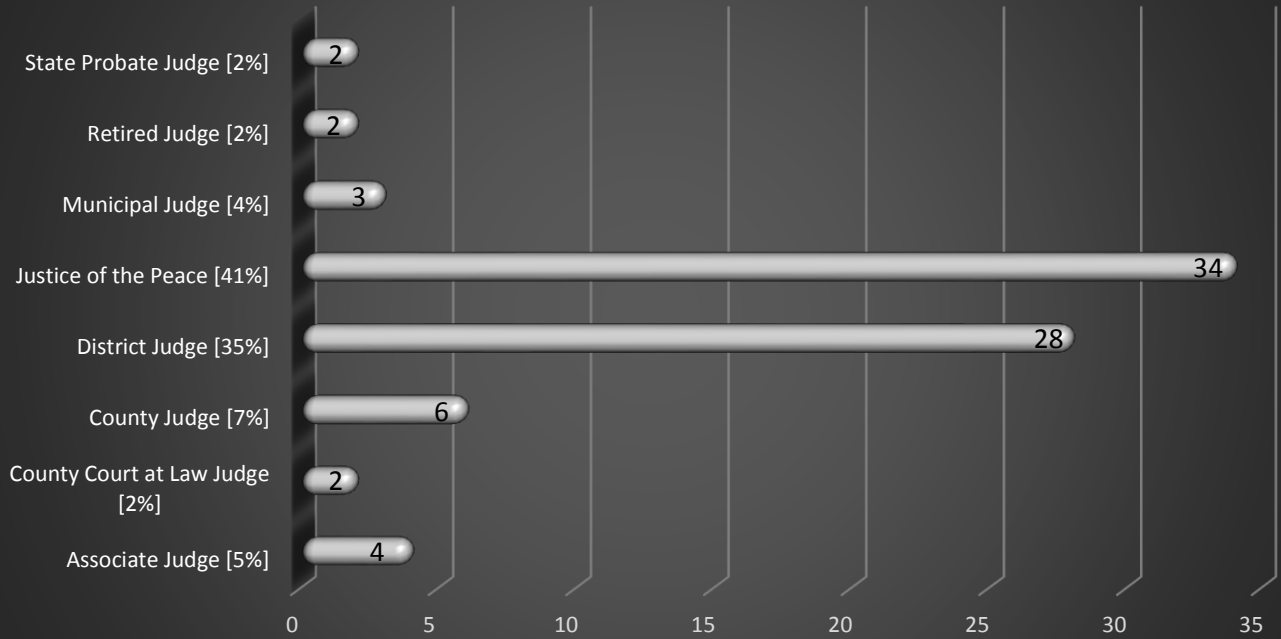
***3,781 Total Judges**
 Source: Office of Court Administration

Fig 2. Number and Percentage of Cases filed by Judge Type*



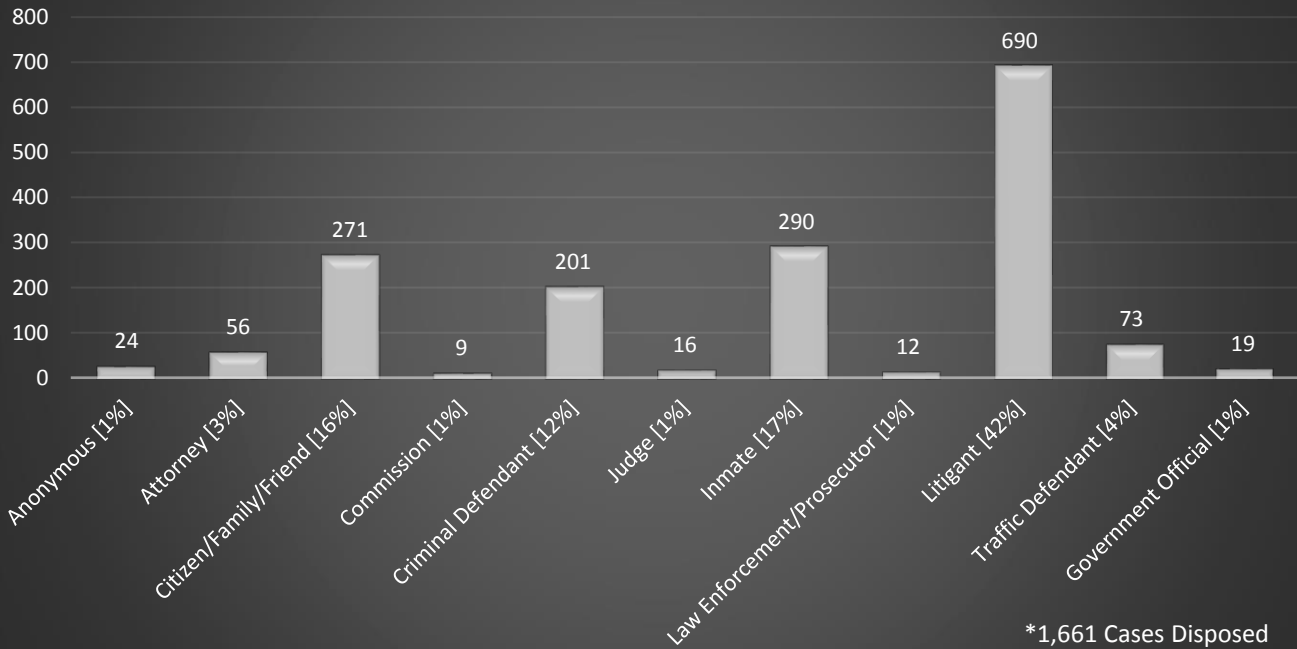
***1,593 Total Complaints Filed in FY 2018**

Fig. 3 Number of Disciplinary Actions by Judge Type - FY 18*



*81 Total Disciplinary Actions (Excludes Suspensions)

Fig. 4 Number of Cases Disposed by Complainant Type*



*1,661 Cases Disposed

Fig. 5a Cases Filed and Disposed (FY13 - FY18)

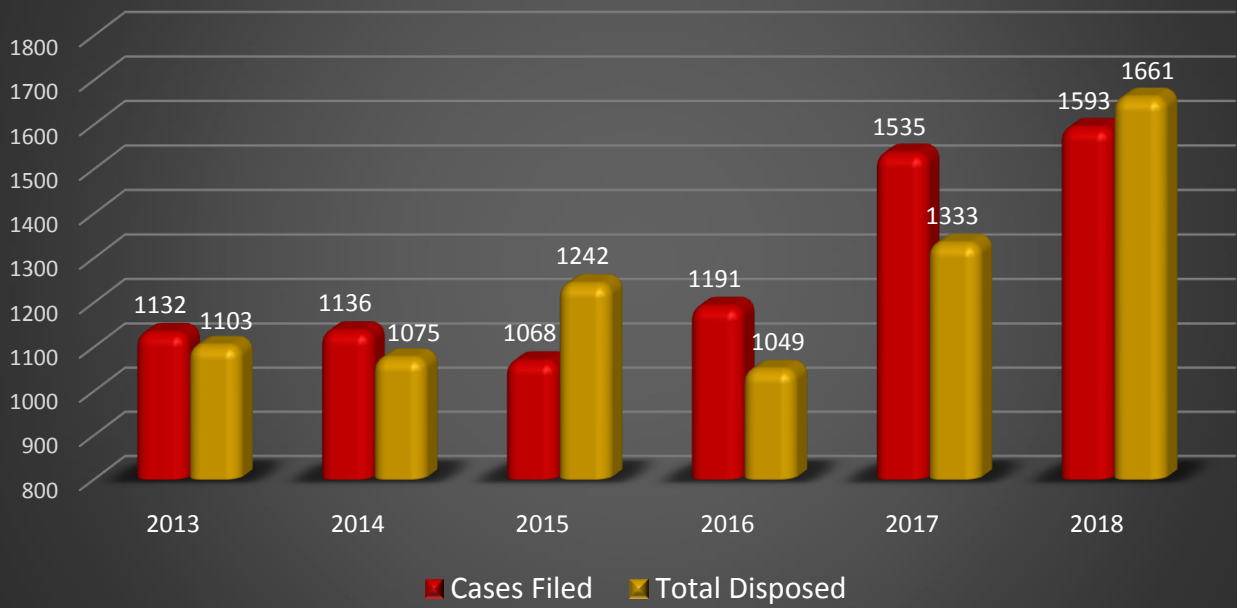


Fig. 5b Cases Filed and Disposed Trend (FY13 - FY18)

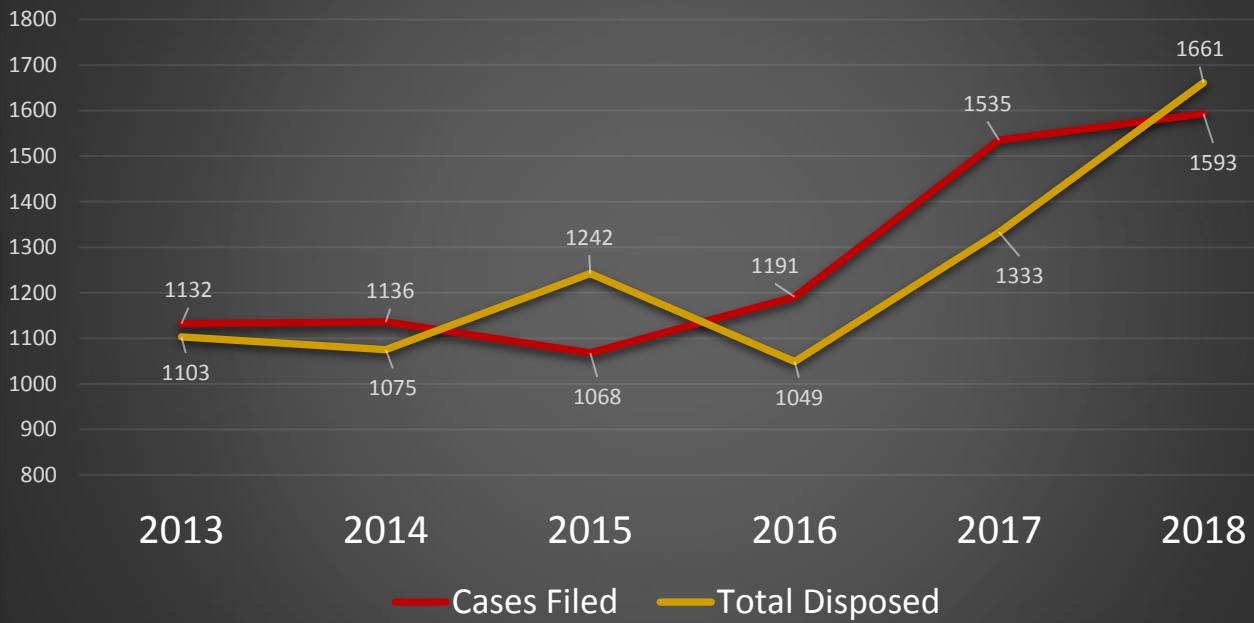


Fig. 6a Commission Activity (FY15 - FY18)



Fig. 6b Commission Activity Trend (FY15 - FY18)

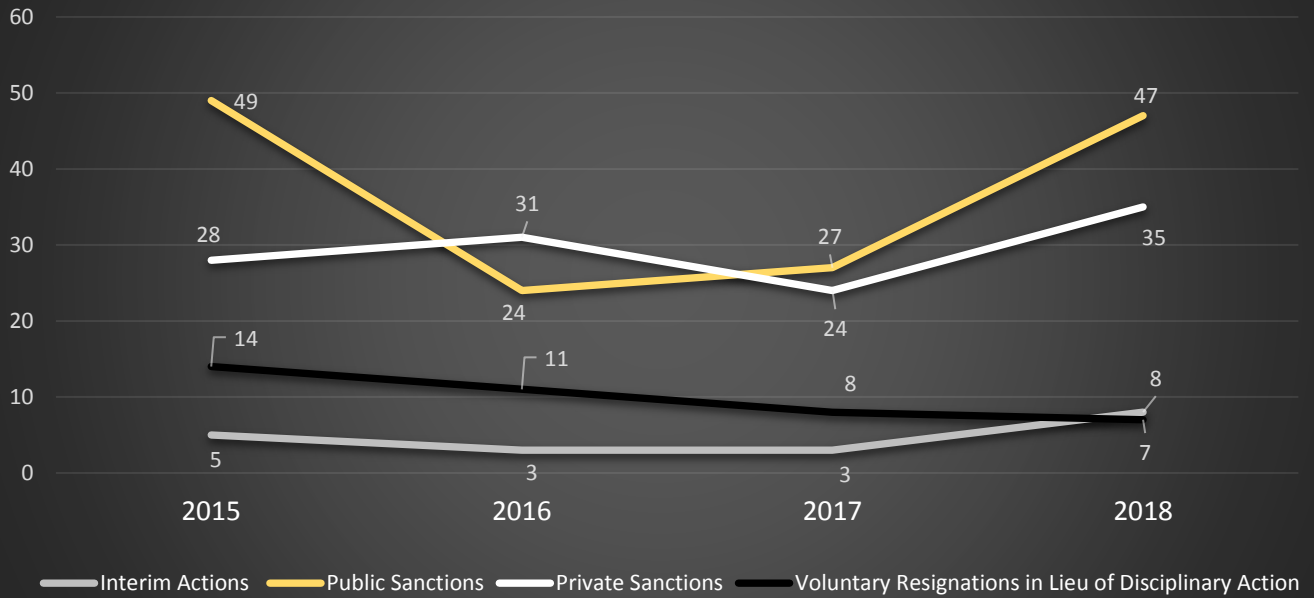


Fig. 7a Comparison of Investigations by Type (FY15-FY18)

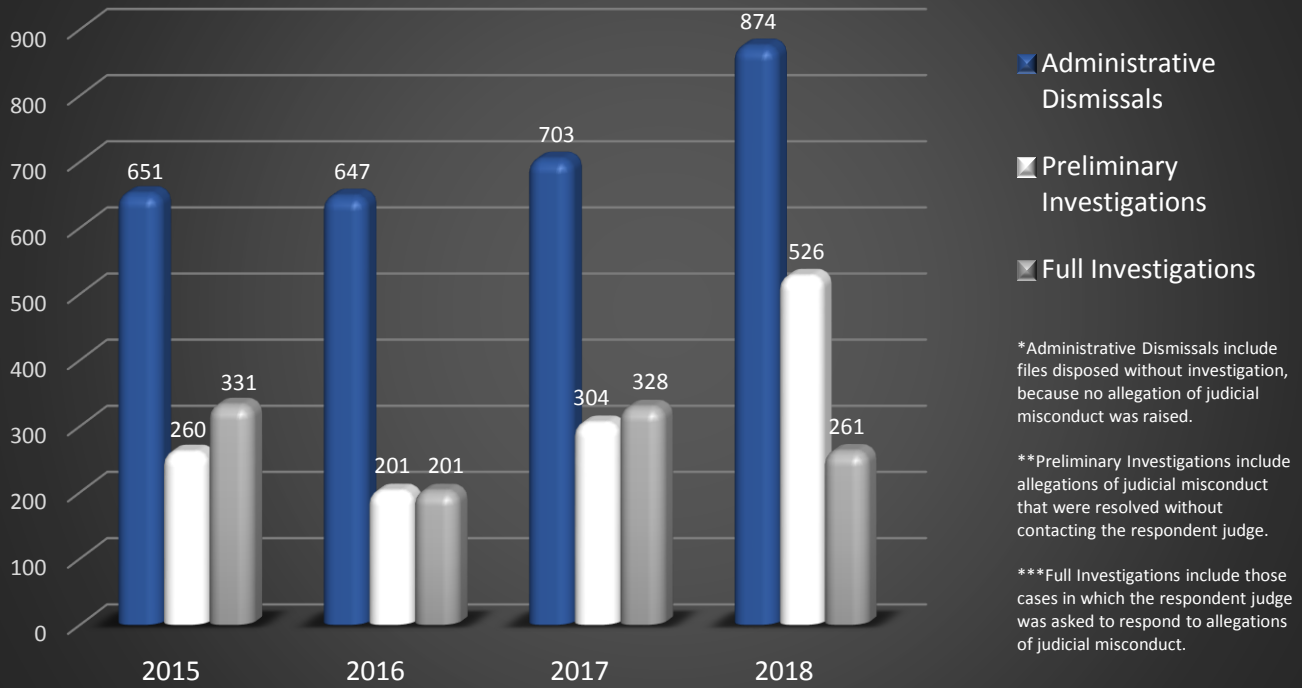
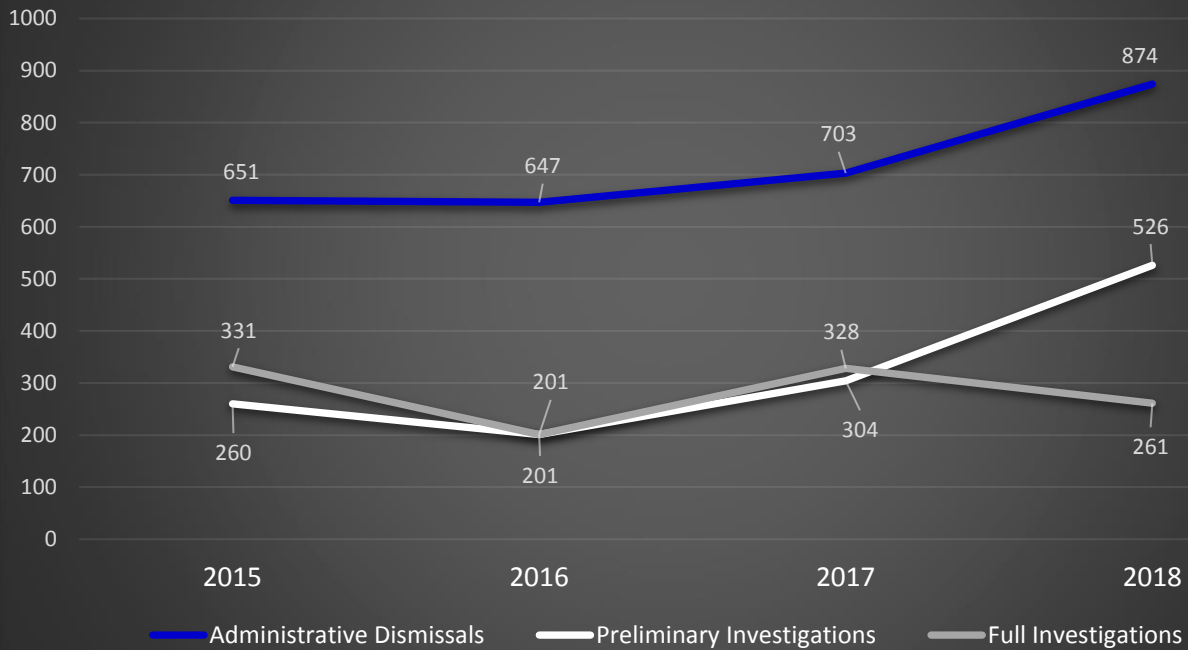


Fig. 7b Comparison of Investigations by Type Trend (FY15 - FY18)



EXAMPLES OF IMPROPER JUDICIAL CONDUCT

The following are examples of judicial misconduct that resulted in disciplinary action by the Commission in fiscal year 2018. These are illustrative examples of misconduct, and do not represent every disciplinary action taken by the Commission in fiscal year 2018. The summaries below are listed in relation to specific violations of the Texas Code of Judicial Conduct, the Texas Constitution, and other statutes or rules. They are listed in no particular order of severity of the disciplinary action imposed, and may involve more than one violation. The full text of every public sanction is published on the Commission website. A copy of any public record relating to any public sanction may also be requested by contacting the Commission.

These sanction summaries are provided with the intent to educate and inform the judiciary and the public regarding misconduct that the Commission found to warrant disciplinary action in fiscal year 2018. The reader should note that the summaries provide only general information and may omit mitigating or aggravating facts the Commission considered when determining the level of sanction to be imposed. Additionally, the reader should not make any inference from the fact situations provided in these summaries.

It is important to remember that the purpose of judicial discipline is not solely to punish a judge for engaging in misconduct, but to protect the public by making clear that the Commission does not condone judicial conduct that violates the public trust. However, the reader should note that not every transgression reported to the Commission will result in disciplinary action. The Commission has broad discretion to determine whether disciplinary action is appropriate, and the degree of discipline to be imposed. Factors such as the seriousness of the transgression, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system, will inform and impact the Commission's decision in each case. It is the Commission's sincere desire that providing this information will protect and preserve the public's confidence in the competence, integrity, impartiality and independence of the judiciary and further assist the judiciary in establishing, maintaining and enforcing the highest standards of conduct – both on the bench and in their personal lives.

CANON 2A: A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- The judge failed to comply with the law when he was arrested for driving while intoxicated, and ultimately pled no contest to a charge of reckless driving. The judge's conduct also cast public discredit upon the judiciary as multiple media outlets published stories regarding his arrest. [Violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Reprimand of a Retired County Court at Law Judge.* 09/14/17.

- The judge failed to comply with the law and maintain professional competence in the law when he held a testifying witness in direct contempt of court when she made derogatory comments regarding the court and the judge (amongst others) on her Facebook page during the lunch break of a final hearing outside the presence of the judge. [Violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a District Court Judge.* 09/20/17.
- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied an incarcerated *pro se* litigant her right to be heard in a custody case involving her three daughters when he: (1) failed to consider whether the litigant's appearance was necessary at the final hearing on the matter; and (2) improperly denied the litigant's request for a bench warrant on the grounds that she did not also request a hearing on the bench warrant. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a District Court Judge.* 10/12/17.
- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied an incarcerated *pro se* litigant his right to be heard in a Suit Affecting the Parent-Child Relationship involving his daughter when she denied him the opportunity to participate in a hearing in the case. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of an Associate Judge.* 12/19/17.
- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied a *pro se* litigant her right to be heard when he refused to accept her filing of an eviction action based on his brief discussion with the tenant and belief that the intended lawsuit would involve the sale of real property, which would have been beyond the jurisdiction of his court. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Justice of the Peace.* 01/04/18.
- The judge failed to comply with the law when he modified an Emergency Protective Order without notice to the parties, and held two individuals in contempt of court without adequate notice of their allegedly contemptable behavior or determining their indigency status with respect to a potential right to counsel. [Violations of Canons 2A and 3B(2).] *Public Warning and Order of Additional Education of a Justice of the Peace.* 8/9/18.
- The judge hired a woman with whom he had an intimate relationship, made inappropriate comments about her body in the office during working hours, and set an appeal bond for the plaintiff who wished to appeal the court's take nothing judgment at \$6,000 when the Texas Rules of Civil Procedure proscribe a \$500 appeal bond for a plaintiff who wishes to appeal a case to the County Court at Law. The Commission further found that the judge displayed a lack of candor with the Commission during his appearance, in violation of Texas Gov't Code 33.001(b)(5). [Violations of Canons 2A, 2B and 3B(4).] *Public Reprimand of a Justice of the Peace.* 4/18/18.

CANON 2B: A judge shall not allow any relationship to influence judicial conduct or judgment. 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.

- The judge lent the prestige of his office to advance the private interest of another when he went to the previous employer of his granddaughter to discuss her wish to be rehired with the owner and gave the

owner a business card identifying himself as a judge. [Violation of Canon 2B of the Code of Judicial Conduct.] *Private Admonition of a Justice of the Peace*. 11/17/17.

- The judge lent the prestige of her judicial office to advance the private interest of another when she promoted the business arrangement between a company and her county's Sheriff's Department in letters that she sent to constables throughout the state. [Violation of Canon 2B of the Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a County Judge*. 02/08/18.
- The judge lent the prestige of his judicial office to advance his private interests when he threatened to retaliate against a Sheriff's deputy for actions the deputy took involving one of the judge's private practice clients. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Reprimand of a County Judge*. 08/08/18.
- The judge lent the prestige of his judicial office to advance the private interests of candidates for District Attorney, Mayor, and City Commissioners, and improperly endorsed these candidates for judicial office. [Violations of Canons 2B and 5(2).] *Public Reprimand of a Municipal Court Judge*. 6/6/18.
- The judge used the prestige of her office to help her nephew's pending criminal matter, voluntarily testified as a character witness on his behalf, engaged in *ex parte* communications with the judge assigned to her nephew's case, and failed to treat jurors with patience, dignity and courtesy when she shamed and reprimanded them for their verdict. [Violations of Canons 2B, 3B(4) and 3B(8).] *Public Reprimand of a District Court Judge*. 11/9/17.

CANON 3B(4): A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

- The judge failed to exhibit the patience, dignity, and courtesy expected of a judicial officer while engaged in his official duties when he raised his voice, used expletives, and threatened to hold the respondents to a peace bond complaint in contempt if they did not stop arguing and fighting. [Violation of Canon 3B(4) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Justice of the Peace*. 10/27/17.
- The judge failed to exhibit the patience, dignity, and courtesy expected of a judicial officer while engaged in his official duties when, during a criminal trial, he: (1) repeatedly interrupted a defense attorney during her examination of witnesses and tried to direct the form and substance of her questioning; and (2) after the defense attorney briefly stepped out of the courtroom, remarked in front of the jury that he would have preferred her to remain out of the courtroom. [Violation of Canon 3B(4) of the Texas Code of Judicial Conduct.] *Private Admonition of a County Criminal Court at Law Judge*. 01/10/18.
- The judge used the prestige of her office to help her nephew's pending criminal matter, voluntarily testified as a character witness on his behalf, engaged in *ex parte* communications with the judge assigned to her nephew's case, and failed to treat jurors with patience, dignity and courtesy when she shamed and reprimanded them for their verdict. [Violations of Canons 2B, 3B(4) and 3B(8).] *Public Reprimand of a District Court Judge*. 11/9/17.

- The judge failed to be patient, dignified and courteous to a litigant, and used language manifesting bias against the litigant when he referred to his court as a “redneck” court. [Violations of Canons 3B(4) and 3B(6).] *Public Warning of a Justice of the Peace*. 6/6/18.
- The judge failed to treat litigants, lawyers, and others with whom she dealt in an official capacity with patience, dignity and courtesy, when she (1) referred to a proposed ward as “Mr. Maggot” or “Maggot Man;” (2) compared IQ of a ward in her court to a ball point pen; and (3) verbally disrespected and demeaned a group of litigants in her court. [Violations of Canon 3B (4).] *Public Reprimand of a Probate Court Judge*. 4/18/18.

CANON 3B(5): A judge shall perform judicial duties without bias or prejudice.

- The judge failed to perform his judicial duties without bias or prejudice when he sent a letter to the attorneys for both parties in a case before him in response to one of the parties’ request for a jury trial stating that under the proper circumstances the judge could set aside a jury verdict and order a new trial. [Violation of Canon 3B(5) of the Texas Code of Judicial Conduct.] *Private Admonition of a County Court at Law Judge*. 09/21/17.

CANON 3B(8):A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied an incarcerated pro se litigant her right to be heard in a custody case involving her three daughters when he: (1) failed to consider whether the litigant’s appearance was necessary at the final hearing on the matter; and (2) improperly denied the litigant’s request for a bench warrant on the grounds that she did not also request a hearing on the bench warrant. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a District Court Judge*. 10/12/17.
- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied parties their right to be heard when he: (1) changed the original judgment in their case without affording the parties notice of his intent to do so or the opportunity to be heard according to law; and (2) issued an unenforceable judgment and failed to award damages in the lawsuit. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a Justice of the Peace*. 10/27/17.
- The judge failed to comply with the law, failed to maintain professional competence in the law, and denied an incarcerated pro se litigant his right to be heard in a Suit Affecting the Parent-Child Relationship involving his daughter when she denied him the opportunity to participate in a hearing in the case. [Violation of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of an Associate Judge*. 12/19/17.

CANON 4A(1): A judge shall conduct all of the judge’s extra-judicial activities so that they do not cast reasonable doubt on the judge’s capacity to act impartially as a judge.

- The judge knowingly or recklessly misrepresented the identity, qualifications, present position or other fact concerning himself when he published endorsements that were not valid. Further, the judge failed to exhibit the patience, dignity, and courtesy expected of a judicial officer towards a lawyer with whom

the judge dealt with in an official capacity when he made sexist comments about that lawyer and referred to others in a derogatory manner. The judge failed to conduct his extra-judicial activities so that they did not cast reasonable doubt on his capacity to act impartially as a judge, and his conduct cast public discredit upon the judiciary when he made sexist and racist comments in a media interview. [Violation of Canons 3B(4), 4A(1), 4D(1) and 5(1)(ii) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Warning of a District Court Judge*. 11/07/17.

- The judge’s Facebook posts, including a meme endorsing the extermination of Muslims and statements that liberals “have not been much blessed with brains” and that Hitler’s policies “was one of you” cast reasonable doubt as to his capacity to act impartially as a judge. [Violations of Canon 4A(1) and Art. V, §1-a(6)(A) of the Texas Constitution.] *Public Reprimand of a Municipal Court Judge*. 6/6/18.

CANON 5(1)(ii): A judge or judicial candidate shall not ... knowingly or recklessly misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent.

- The judge knowingly or recklessly misrepresented the identity, qualifications, present position or other fact concerning himself when he published endorsements that were not valid. Further, the judge failed to exhibit the patience, dignity, and courtesy expected of a judicial officer towards a lawyer with whom the judge dealt with in an official capacity when he made sexist comments about that lawyer and referred to others in a derogatory manner. The judge failed to conduct his extra-judicial activities so that they did not cast reasonable doubt on his capacity to act impartially as a judge, and his conduct cast public discredit upon the judiciary when he made sexist and racist comments in a media interview. [Violation of Canons 3B(4), 4A(1), 4D(1) and 5(1)(ii) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Warning of a District Court Judge*. 11/07/17.

ARTICLE V, §1-a(6)A: A judge may be disciplined for willful or persistent violation of the rules promulgated by the Supreme Court of Texas, willful violation of the code of Judicial Conduct, incompetence in performing the duties of office, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice.

- The judge failed to comply with the law when he was arrested for driving while intoxicated, and ultimately pled no contest to a charge of reckless driving. The judge’s conduct also cast public discredit upon the judiciary as multiple media outlets published stories regarding his arrest. [Violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Reprimand of a Retired County Court at Law Judge*. 09/14/17.
- The judge failed to timely execute the business of his court by not entering a final judgment in a family law case for approximately twenty-two months after he had presided over a final hearing in the case. [Violation of Article V, Section 1-a(6)A of the Texas Constitution and Section 33.001(b) of the Texas Government Code.] *Private Reprimand and Order of Additional Education of a County Court at Law Judge*. 10/11/17.

- The judge failed to comply with the law, and engaged in willful conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary and the administration of justice when he approved an employee's timesheets when that employee had not worked, which led to negative media coverage regarding the matter. [Violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Warning and Order of Additional Education of a Justice of the Peace.* 10/30/17.