

# ANNUAL REPORT 2021

STATE COMMISSION ON JUDICIAL CONDUCT



# STATE COMMISSION ON JUDICIAL CONDUCT

## COMMISSION MEMBERS

**David C. Hall, Chair**

**Janis Holt, Vice-Chair**

**David M. Patronella**

**Darrick L. McGill**

**Sujeeth B. Draksharam**

**Ronald E. Bunch**

**Valerie Ertz**

**Frederick C. Tate**

**M. Patrick Maguire**

**David Schenck**

**Clifton Roberson**

P.O. Box 12265 ★ Austin, Texas ★ 78711  
Telephone (512) 463-5533 ★ Fax (512) 463-0511  
Toll Free (877) 228-5750 ★ TDD (800) RELAY-TX  
Website: [www.scjc.texas.gov](http://www.scjc.texas.gov)

# COMMISSIONER INFORMATION

## OFFICERS

### CHAIR

#### Hon. David C. Hall

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

### VICE-CHAIR

#### Hon. Janis Holt

Public Member, Silsbee  
Appointed by Governor  
Term Expires: 11/19/25

## MEMBERS

#### Hon. David M. Patronella

Justice of the Peace, Houston  
Appointed by Texas Supreme Court  
Term Expires: 11/19/2021

#### Hon. Darrick L. McGill

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

#### Hon. Sujeeth B. Draksharam

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

#### Hon. Ronald E. Bunch

Attorney, Waxahachie  
Appointed by State Bar of Texas  
Term Expires: 11/19/23

#### Hon. Valerie Ertz

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

#### Hon. Frederick C. Tate

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

#### Hon. M. Patrick Maguire

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

#### Hon. David Schenck

Appellate Justice, Dallas  
Appointed by Texas Supreme Court  
Term Expires: 11/19/2025

#### Hon. Clifton Roberson

Attorney, Tyler  
Appointed by State Bar of Texas  
Term Expires: 11/19/2025

# STATE COMMISSION ON JUDICIAL CONDUCT

## COMMISSION STAFF

**Jacqueline Habersham**, Executive Director

**Michael Graham**, General Counsel

**Lorin Hayes**, Senior Commission Counsel

**Phil Robertson**, Commission Counsel

**Zindia Thomas**, Commission Counsel

**Katherine Cheng**, Commission Counsel

**Ron Bennett**, Chief Investigator

**Katherine Mitchell**, Senior Investigator

**Cherie Thomas**, Commission Investigator

**Elizabeth Trevino**, Commission Investigator

**Kathryn Crabtree**, Staff Services Officer

**Connie Paredes**, Administrative Assistant

**Patricia Leal**, Administrative Assistant

## In Memoriam

Honorable Ruben G. Reyes  
72<sup>nd</sup> District Court

It is with great sadness the State Commission on Judicial Conduct mourns the loss of the Honorable Ruben G. Reyes, 72nd Judicial District Court Judge, Lubbock & Crosby Counties, Lubbock, Texas. Judge Reyes was appointed to the Commission by the Texas Supreme Court in 2017, and was elected by his fellow Commissioners to serve as Vice-Chair. The Commissioners and Agency Staff will miss Judge Reyes' warmth, friendship, and stalwart dedication to upholding the highest ethical standards of the Texas Judiciary.



## Statement from the Chair

The Texas Code of Judicial Conduct states that the role of the judiciary is central to the American commitment to substantial justice and the rule of law. The Texas Constitution tasks the Commission on Judicial Conduct with the investigation and sanction of Texas judges resulting from misconduct or disability. The Commission administers private and public sanctions ranging from additional education to removal from office in order to acquit itself of its dual missions of protecting the public and maintaining the integrity of Texas' judiciary.

The 13 volunteer Commissioners bring insight, common sense and perspectives from different walks of life to the task. The balanced structure of the Commission allows for the public and legal community to be represented by thoughtful and distinguished public members, attorneys and judges. Within the last year, COVID-19 has interrupted that balance. The Commission lost its vice-chairman and the judiciary lost one of its most distinguished members, district judge Ruben Reyes, in December of 2020.

Commission staff and leadership have utilized technology, alternate meeting locations, remote telework for staff and other practices to operate through the challenges and restrictions brought on by the pandemic. This flexibility together with the commitment of its staff has allowed the regular work of the Commission to continue largely without undue disruption or delay.

The Commission clearly heard the legislative mandates for more prompt resolutions of complaints against Texas judges. The Commission has already prepared and submitted proposed procedural rule amendments to the Texas Supreme Court intended to ensure compliance with these legislative requirements taking effect in 2022. Following voter approval of Proposition 5, the Commission expects to become the sole agency responsible for enforcement of existing Canons of Judicial Conduct already applicable to all judicial candidates.

The Commission staff have dedicated themselves not only to the challenges associated with its massive internal docket, but also with the challenge of representing the Commission in a variety of proceedings in state and federal courts. The Commission looks forward to and appreciates the assistance it receives from Office of the Attorney General in these matters.

The Commission will continue unsensational and deliberate work to assure the public that judges, too, will be governed by and held accountable to the rule of law.



---

Honorable David Hall  
Chair, State Commission on Judicial Conduct



---

Honorable David Schenck  
Chair-elect, State Commission on Judicial Conduct

# 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 both the 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 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 or 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 typically meet in-person six times each year and receive no pay for their service. The Commission, along with several Texas courts and other judicial branch agencies, has also taken advantage of the flexibility afforded by platforms like Zoom to begin integrating virtual meetings into its operations when appropriate.

## **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 can 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 does not have the power or authority of a court in this state, 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 2021, the Commission had fourteen authorized staff positions (Full Time Equivalents, or "FTEs"). For the year, Commission's staff included the Executive Director, the General Counsel, four staff attorneys, Chief Investigator, three investigators, 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 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 Special Courts of Review, formal proceedings, and in external litigation brought against the Commission in State or Federal court.

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 2021, the Executive Director and staff attorneys participated in over 20 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 2021, the Executive Director and staff attorneys responded to more than 280 inquiries from judges, judicial candidates, attorneys, legislators, the media, and citizens regarding judicial ethics. Callers are informed that Commission staff cannot give them legal advice or 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(s), statute(s), rule(s) or ethics opinion(s) that may be implicated 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](http://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.

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 2021.

# 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 email 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](http://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,<sup>1</sup> 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

---

<sup>1</sup> 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 Lieu of Discipline

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.<sup>2</sup>

### **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.<sup>3</sup> 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.

---

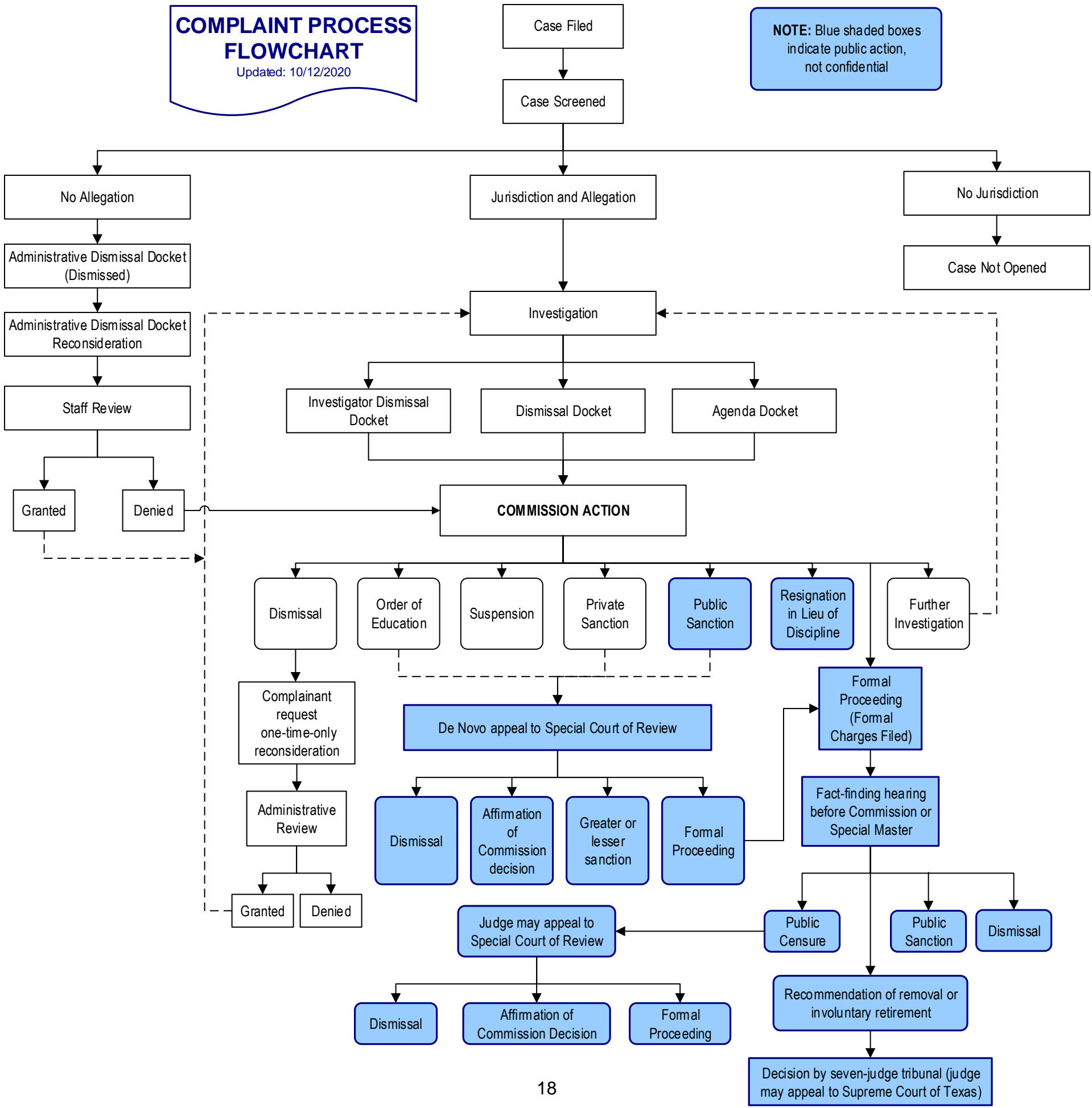
<sup>2</sup> In 2009, Section 33.034 of the Texas Government Code was amended to provide judges the right to appeal a public censure issued by the Commission following a formal proceeding. In 2013, Section 33.034 was amended further to provide the right to appeal a public reprimand, warning, or admonition 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.

<sup>3</sup> 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: 10/12/2020

**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 2021 is shown in **Table 1** immediately following this section. **Tables 2** details the complaint dispositions of complaints in fiscal year 2021, while **Table 3** illustrates the types of judicial misconduct resulting in discipline for the fiscal year. 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 4,116 judges were under the jurisdiction of the Commission in fiscal year 2021, (less than a 1% decrease from fiscal year 2020 – 4,151.)

**Figure 1** illustrates the makeup of 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 by type of complainant in fiscal year 2021.

In fiscal year 2021, the Commission acted in 93 cases involving Texas judges. The Commission disposed of 83 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education. Eight cases were resolved by a voluntary agreement to resign from judicial office. The Commission issued 1 order of suspension and instituted formal proceedings against 1 judge in fiscal year 2021. Additionally, 3 cases were resolved by Special Court of Review orders.

**Figures 5a and 5b** show the total number of cases filed and disposed by the Commission between fiscal years 2016 and 2021. The Commission was projected to receive more than 2,000 complaints in fiscal years 2020 and 2021, but filings were lower, 1,518 and 1,724, (respectively), presumably due to the judiciary's limitations of in-person proceedings in Texas courts in response to the Covid-19 pandemic. However, it is worth noting that even during the pandemic, the number of complaint filings in fiscal year 2021 was significantly higher than that of fiscal year 2018, 1,593, and not much less than the Commission's record, 1,849 in fiscal year 2019.

In fiscal year 2020, the Commission disposed of 1,658 cases – approximately 33% more dispositions than in fiscal year 2020. It is noteworthy that during fiscal year 2020, the Commission's information technology provider, the Texas Office of Court Administration (OCA) suffered a devastating ransomware attack. While no Commission data was compromised, the cyberattack severely limited the Commission's ability to access information and fully investigate complaints for a significant extended time period. [*The Commission's operations were converted to completely paperless during fiscal year 2016.*] With 1,724 complaints received and 1,656 dispositions, the Commission's disposition rate for fiscal year 2021 was 96%.

A comparison of public discipline, private discipline and interim actions taken by the Commission in fiscal years 2017 through 2021 is shown in **Figures 6a** and **6b**.

Of the 1,656 cases closed in fiscal year 2021, 33 were dismissed with language advising the judge about technical or *de minimis* violations, or violations of aspirational canons, and cautioning the judge to avoid similar conduct in the future. Additionally, 1 case was dismissed after the judge demonstrated that he or she took appropriate measures to correct conduct that resulted in an investigation. Approximately 62% of the cases closed in fiscal year 2021 alleged no judicial misconduct. The percentage (28%) of cases closed following a preliminary investigation increased in 2021 relative to 2020. Additionally, the

percentage (10%) of full investigations requiring a response from the judge decreased in fiscal year 2021 relative to 2020 by 1%. A comparison of initial, preliminary, and full investigations conducted by the Commission in fiscal years 2018 through 2021 is shown in **Figures 7a** and **7b**.

Figure 8 illustrates the percentage of cases that the Commission received through its website portal (which was activated in mid-2016), for fiscal years 2017 through 2021. Figure 8 shows that the Commission is increasingly receiving more complaints online than by mail. In fiscal year 2017, the percentage of cases received online was 50%, but the percentage has grown to 69% in fiscal year 2021. Figure 9 shows dispositions with the corresponding type of court case for fiscal years 2019 and 2020. The highest category of discipline was “None” which refers to discipline issued for off-the-bench conduct such as campaign activity, etc.

In compliance with Section 33.005 of the Texas Government Code, the chart on **Table 2** provides a breakdown of the dispositions of the 1,656 cases closed during fiscal year 2021, 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 2021.

In fiscal year 2021, the Commission addressed eight appeals of its sanctions through the Special Court of Review process set forth in Section 33.034 of the Texas Government Code.<sup>4</sup> Of the eight Special Courts of Review addressed during fiscal year 2021:

- Two were instituted in fiscal year 2021 but were withdrawn before the final hearing was held (thereby reinstating the Commission’s sanction.)
- In one, a Special Court of Review affirmed the Commission’s issuance of a Public Admonition and Order of Additional Education, while modifying the Order of Additional Education.
- In one, a Special Court of Review affirmed the Commission’s issuance of a Public Reprimand and Order of Additional Education.
- In one, a Special Court of Review vacated a Public Admonition and Order of Additional Education issued by the Commission and dismissed the complaint against the subject judge.
- Three other appeals instituted in fiscal year 2021 remain pending with Special Courts of Review into fiscal year 2022.

During fiscal year 2021, the Commission did not refer any complaints against judges to law enforcement. At the end of fiscal year 2021, the Commission had two hundred seventy-nine open cases which were pending for a year or more, in which no tentative sanction had been issued.

Finally, the Commission receives hundreds of items of correspondence (i.e., mail, email, submissions through its website) every year that do not pertain to the conduct of Texas judges. In fiscal year 2021, over 1,000 people wrote to the Commission complaining of individuals or entities that were outside of the Commission’s jurisdiction, requesting legal advice/representation by the Commission or other assistance. When possible, those complainants were provided additional written information and referred to other resources to help them resolve their concerns.

---

<sup>4</sup> Two, additional Special Court of Review proceedings that were instituted in FY 2020 remain pending into FY 2022.

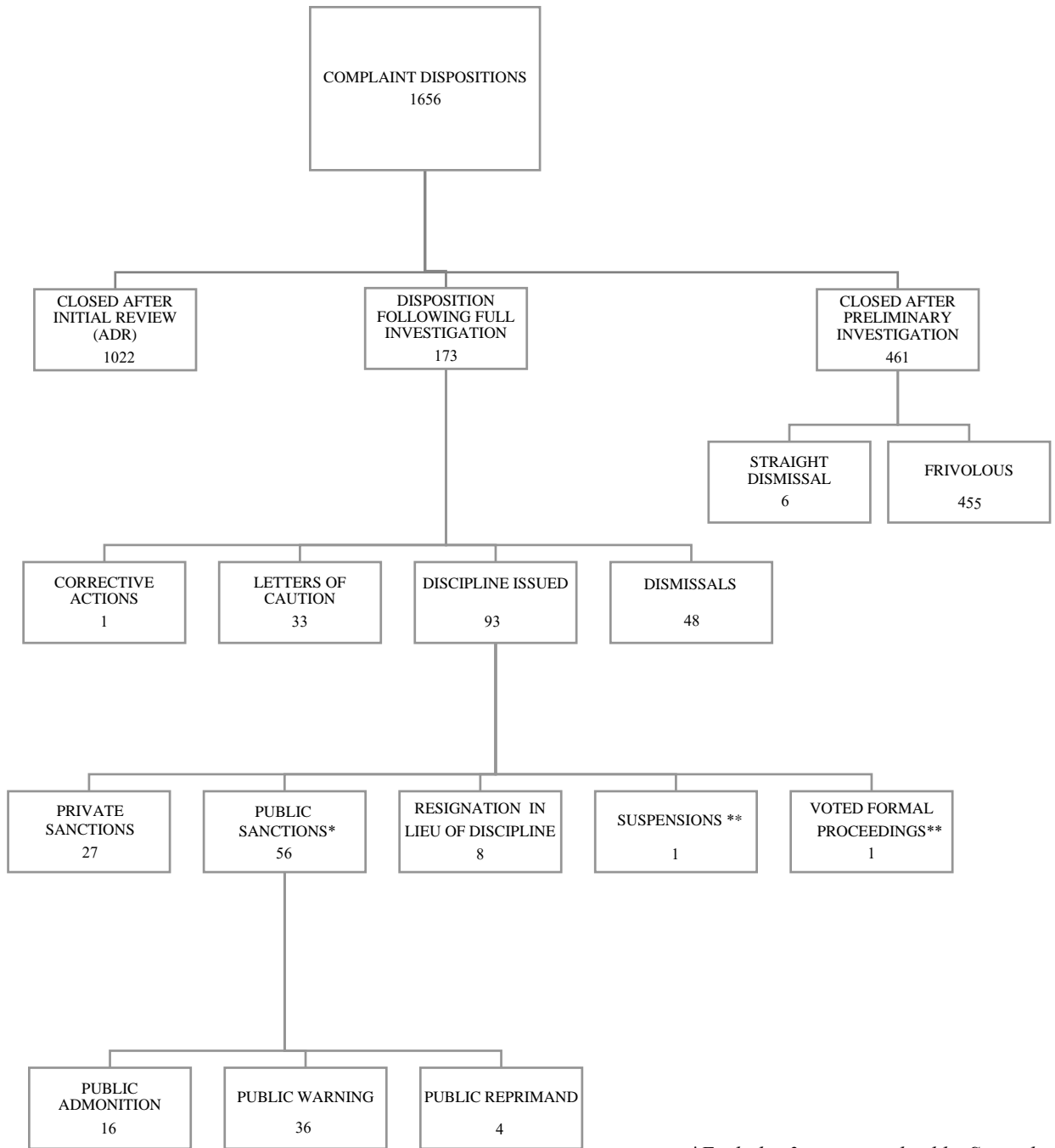
## Table 1: Commission Activity

Item	FY 2018	FY 2019	FY 2020	FY 2021
<b>Cases Pending (Beginning FY/Ending FY)</b>	827/768	768/806	806/1067	1067/1040
<b>Cases Filed</b>	1593	1849	1518	1724
<b>Total Number of Cases Disposed</b>	1661	1694	1240	1656
<b>% of Cases Disposed/Filed</b>	104.26%	91.67%	81.69%	96.06%
<b>Average Age of Case Disposed (in months)</b>	6.33	5.99	6.28	7.62
<b>Disciplinary Action (total)<sup>1</sup></b>	84	81	64	96
<b>Cases Disposed through:</b>				
Criminal Conviction <sup>2</sup>	0	1	0	7
Review Tribunal Order	0	0	0	0
Special Court of Review Order	0	0	8	3
Voluntary Agreement to Resign in Lieu of Disciplinary Action	7	4	1	8
<b>Public Sanction</b>				
Censure	0	0	0	0
Reprimand	6	2	2	1
Reprimand and Order of Add'l Education	23	3	0	3
Warning	1	24	5	21
Warning and Order of Add'l Education	6	5	1	15
Admonition	7	15	8	10
Admonition and Order of Add'l Education	4	1	4	6
Order of Add'l Education	0	0	0	0
<b>Private Sanction</b>				
Reprimand	2	4	4	1
Reprimand and Order of Add'l Education	2	3	0	3
Warning	7	6	25	5
Warning and Order of Add'l Education	12	4	3	8
Admonition	7	2	2	5
Admonition and Order of Add'l Education	2	1	5	2
Order of Add'l Education	4	0	0	3
<b>Interim Disciplinary Action (total)</b>				
Order of Suspension [15(a)]	6	4	1	1
Recommendation of Suspension to Supreme Court [15(b)]	1	0	0	0
Cases in Formal Proceedings	1	3	3	1
<b>Dismissals (ADRs)</b>	1571 (870)	1624 (880)	1180 (763)	1573 (1022)
<b>Requests for Reconsideration Received</b>	59	46	19	37
Reconsideration Granted/Denied	1/58	2/44	01/18	0/37
Pending	0	0	0	0
<b>Cases Appealed to Special Court of Review</b>	7	3	4	8
Informal Hearings held	24	36	15	18
Public Statements Issued	0	0	0	0

<sup>1</sup> Disciplinary Action includes sanctions, voluntary agreements to resign in lieu of disciplinary action, orders of suspension, and formal proceedings.

<sup>2</sup> Cases resolved through criminal convictions are dismissals.

TABLE 2  
2021 COMPLAINT  
DISPOSITIONS



*\*Excludes 3 cases resolved by Special Court of Review Orders.*

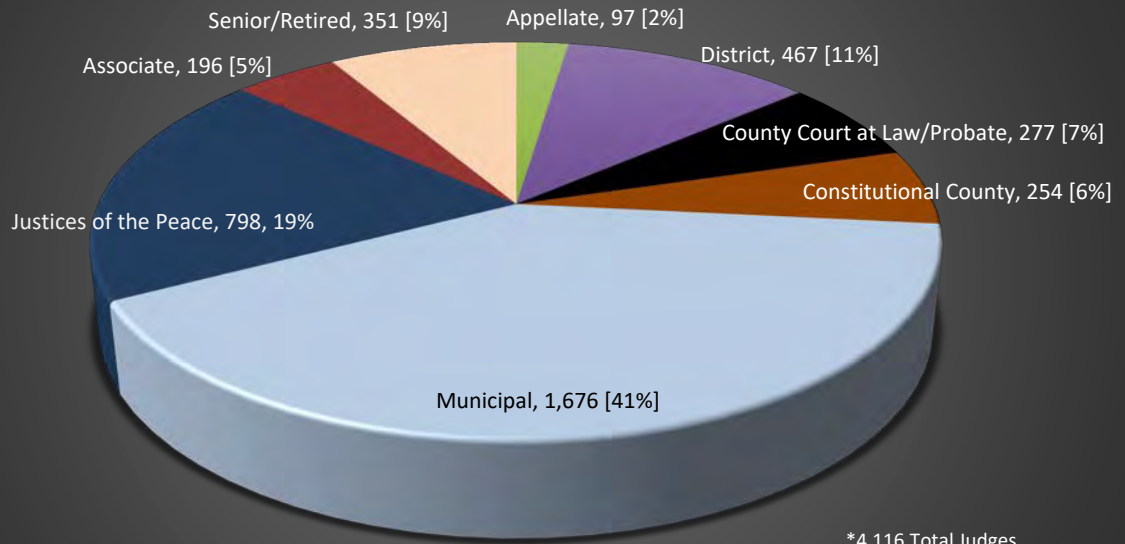
*\*\*Not a final disposition.*

**TABLE 3 – TYPES OF CONDUCT RESULTING IN DISCIPLINE IN  
FISCAL YEAR 2021**

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.

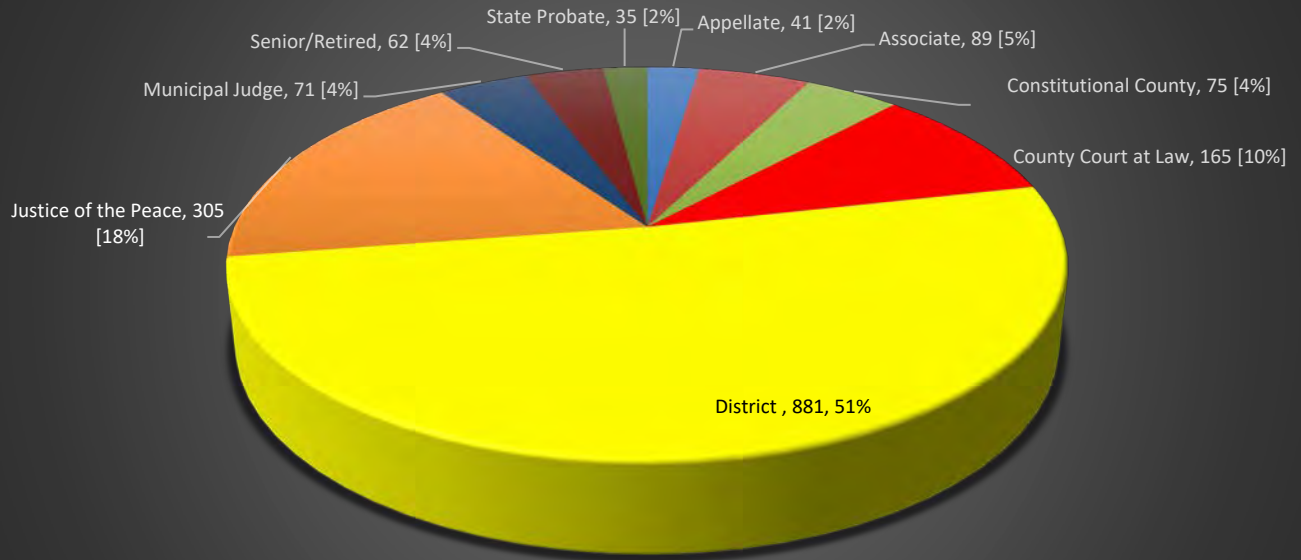
<i>Failed to Comply with Law</i> [18]	<i>Incompetence</i> [17]	<i>Conduct Inconsistent with Proper Performance of Duties/ Willful or Persistent Conduct Cast Public Discredit upon the Judiciary</i> [22]
<i>Improper Demeanor</i> [9]	<i>Using Prestige of Judicial Office/ Influential Relationship</i> [4]	<i>General Bias/Prejudice</i> [4]
<i>Right to be Heard</i> [14]	<i>Extra-Judicial Conduct (Financial and Nonfinancial) Raised Doubts about Judge's Impartiality/Interfere's with Judicial Activities</i> [10]	<i>Improper Ex Parte Communications</i> [5]
<i>Bias/Prejudice Based on Protected Class</i> [2]		<i>Recusal/Disqualification</i> [2]
<i>Failure to Maintain Order &amp; Decorum of the Court</i> [1]	<i>Failure to Hear Assigned Matters/ Timely Execute the Business of the Court</i> [2]	<i>Public Comment about a Pending Matter Before the Court</i> [1]
	<i>Misrepresentation of the Qualifications of the Candidate</i> [1]	<i>Authorize Name to Endorse Candidate</i> [6]

Fig. 1 Total Number of Texas Judges\*



\*4,116 Total Judges  
 Source: Texas Office of Court Administration, October 2021

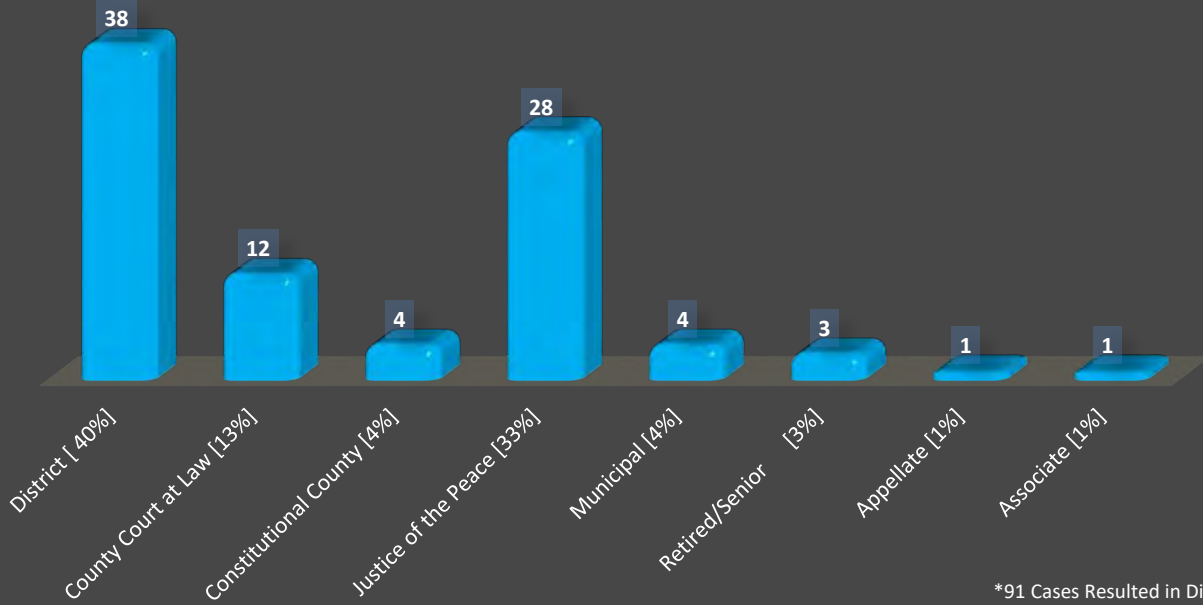
Fig. 2 Number and Percentage of Cases Filed by Judge Type\*



\*1,724 Total Complaints Filed

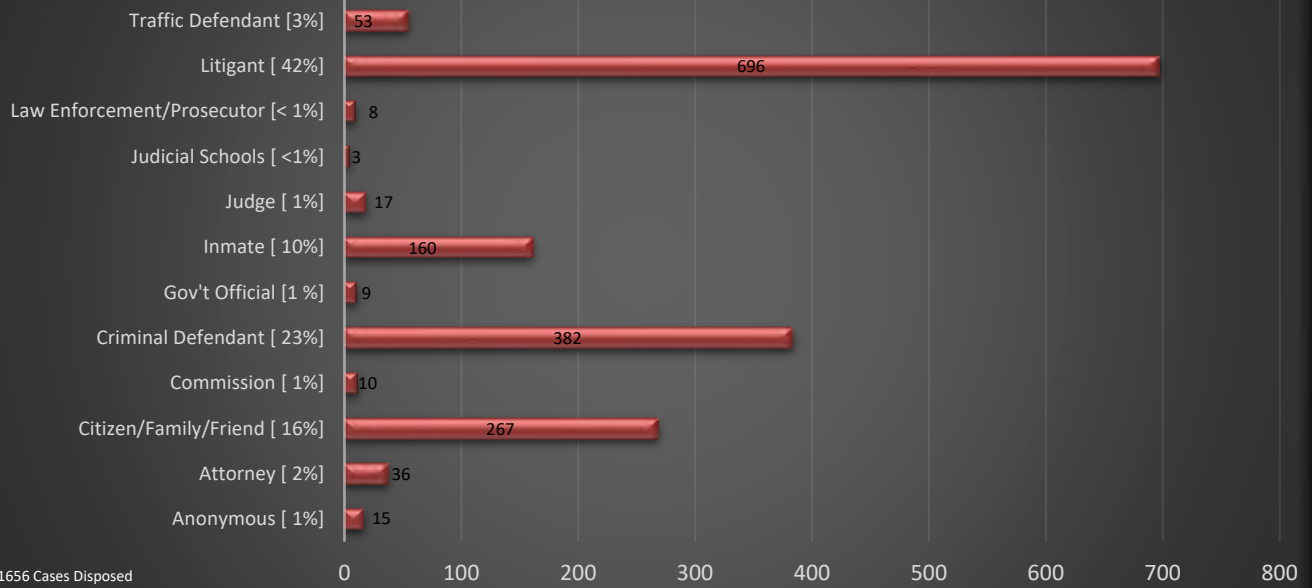


Fig. 3 Number of Disciplinary Actions by Judge Type - Fiscal Year 2021\*



\*91 Cases Resulted in Discipline

Fig. 4 Number and Percentage of Cases Disposed by Complainant Type\*



\*1656 Cases Disposed

Fig. 5a Cases Filed and Disposed (FY16 - FY21)

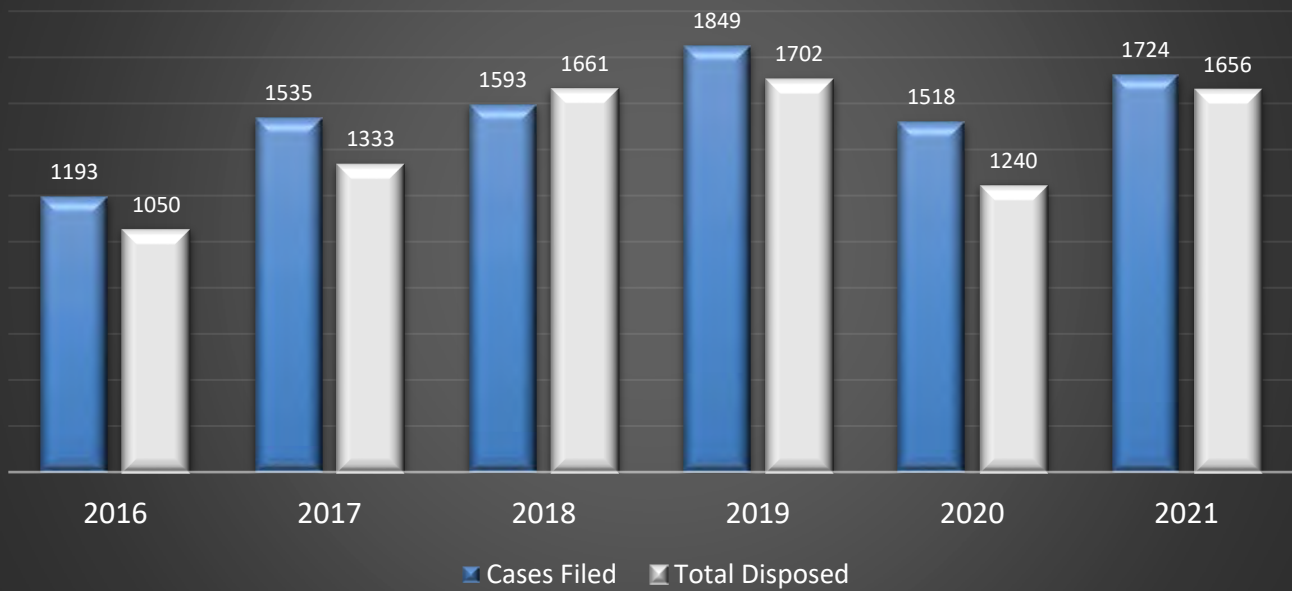
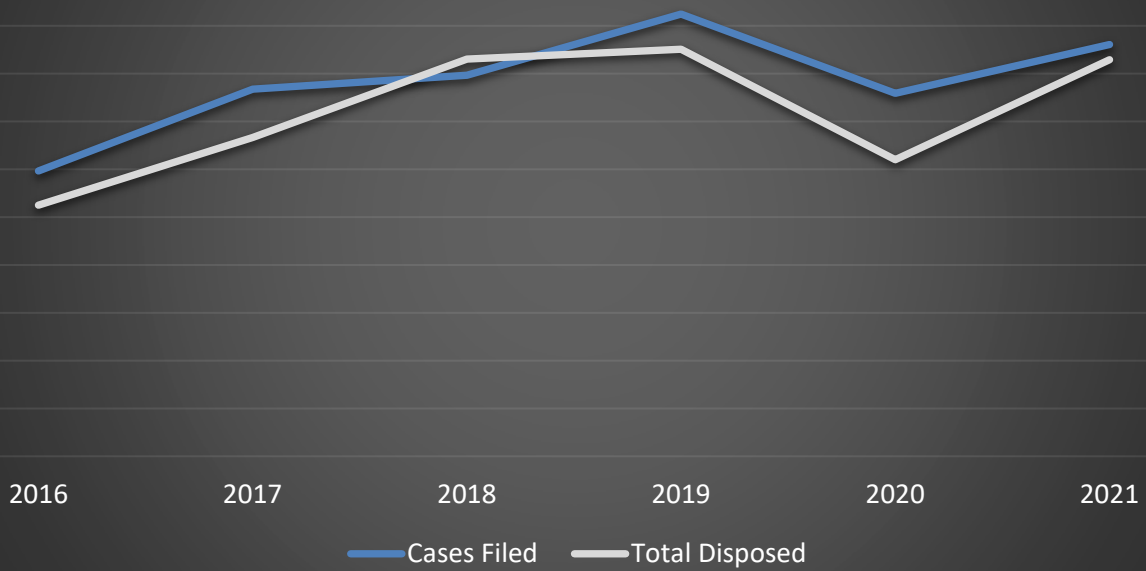


Fig. 5b Cases Filed and Disposed Trend (FY16 - FY21)



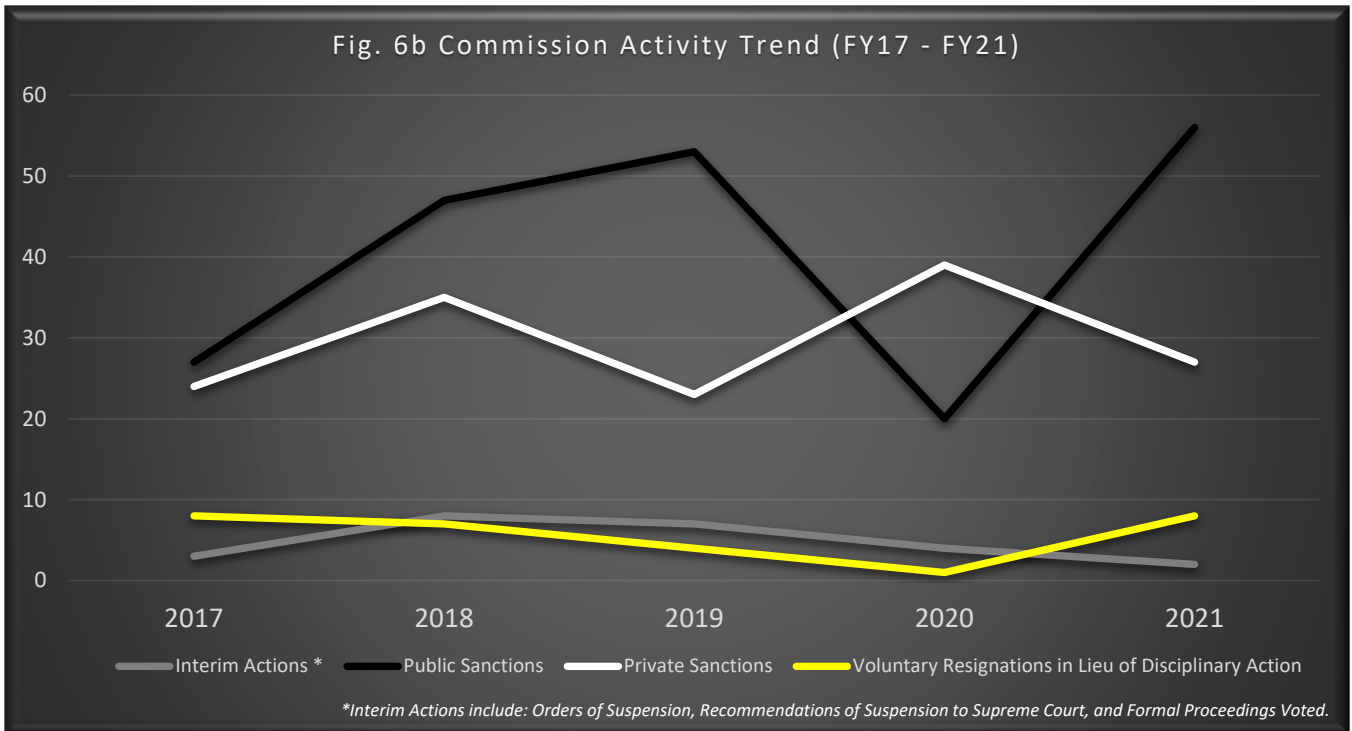
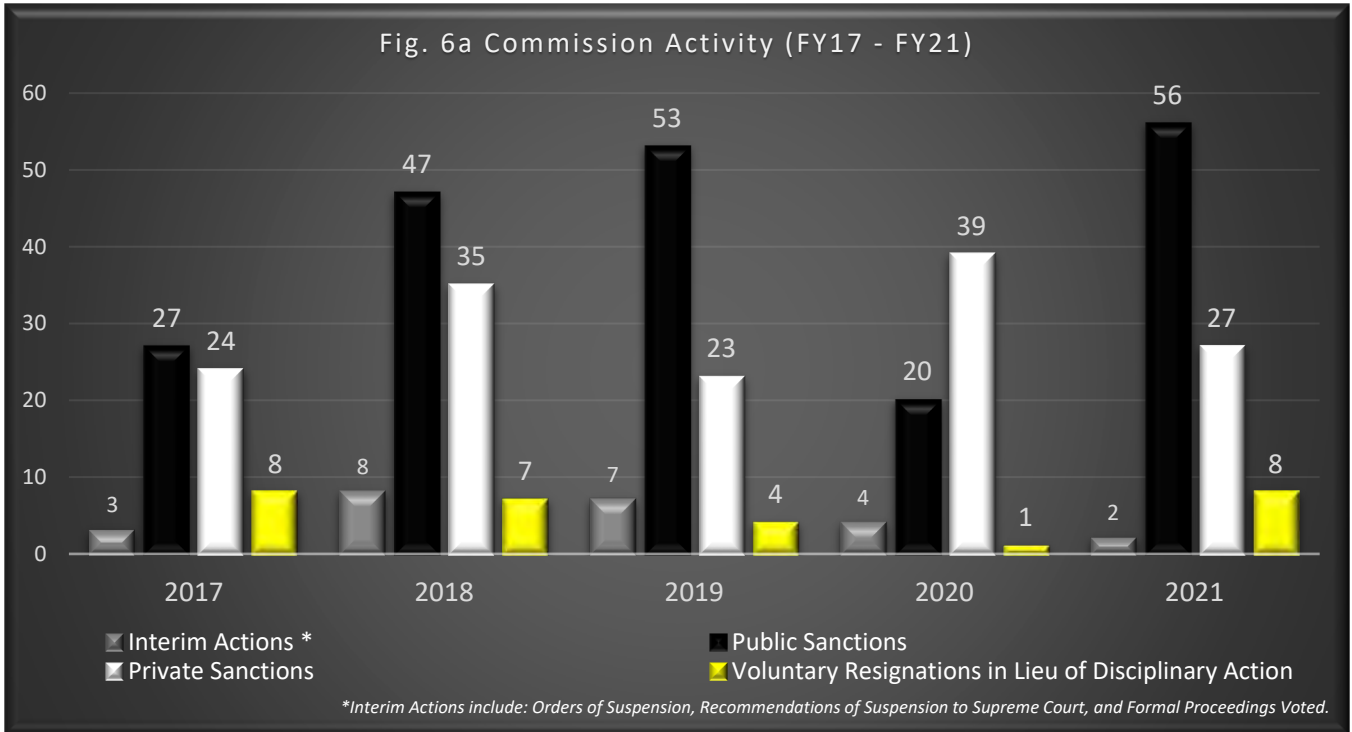


Fig. 7a Comparison of Investigations by Type (FY18 - FY21)

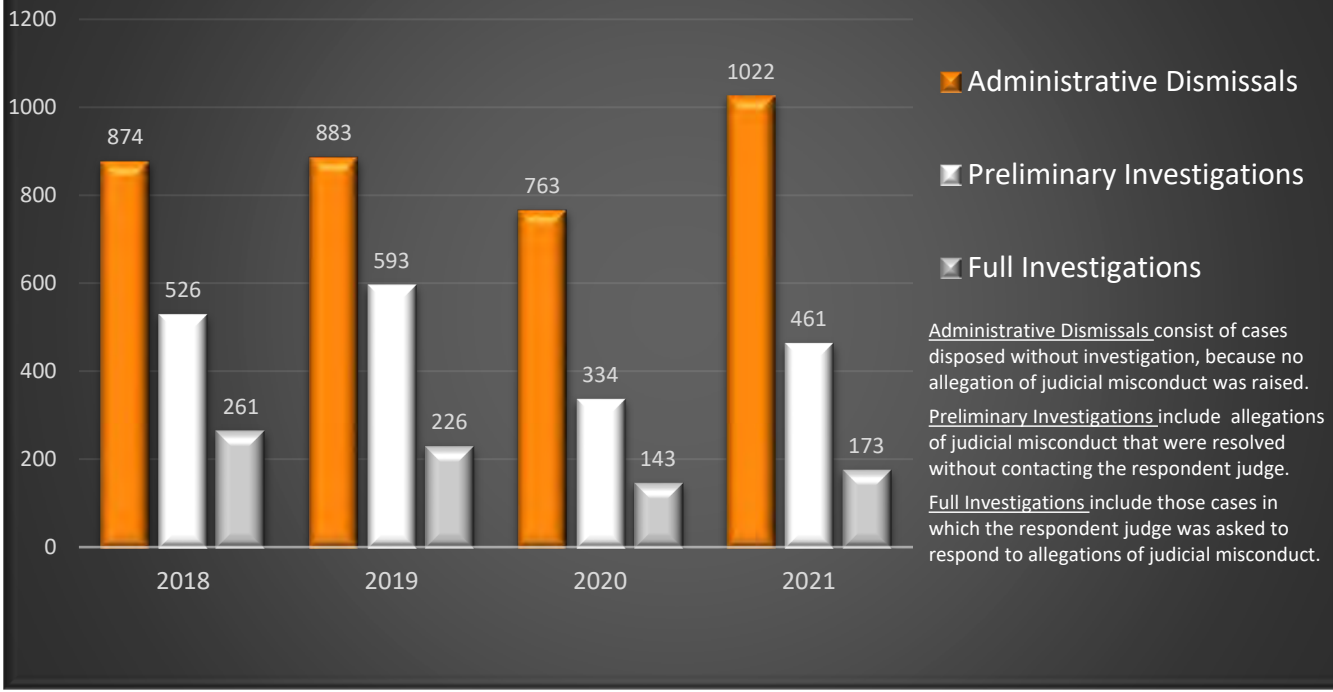


Fig. 7b Comparison of Investigations by Type Trend (FY18 - FY21)

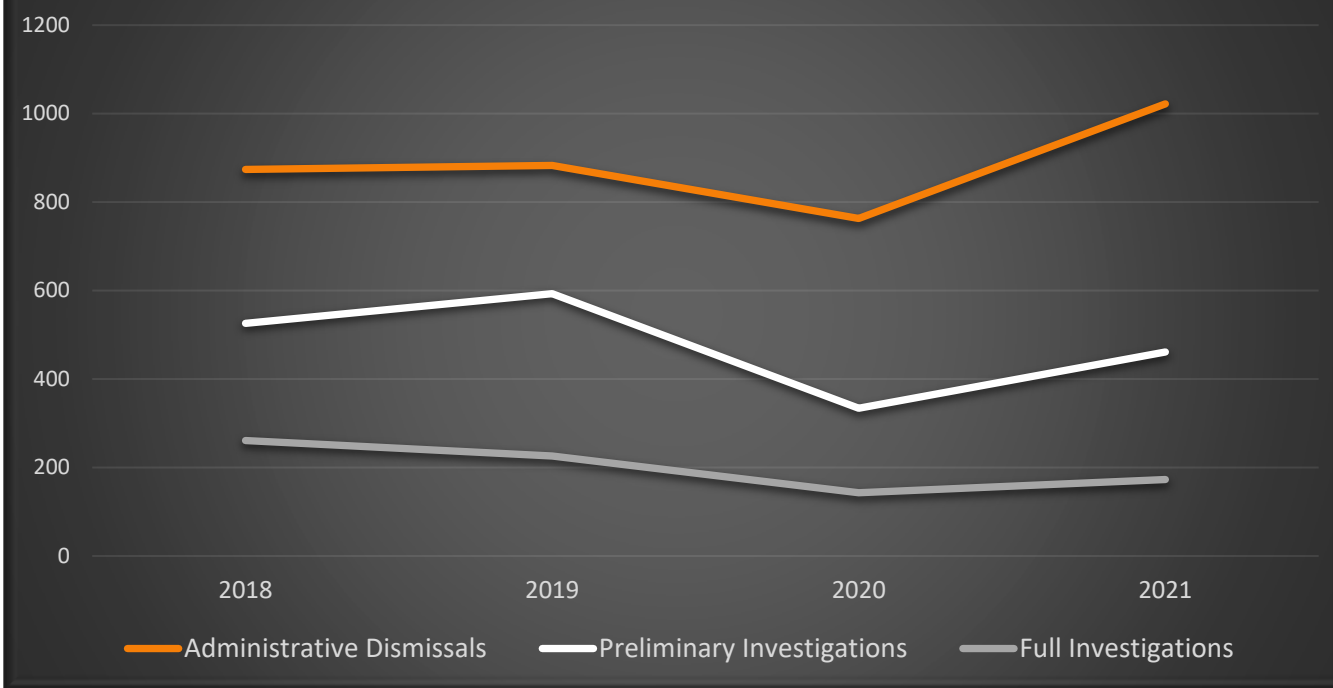
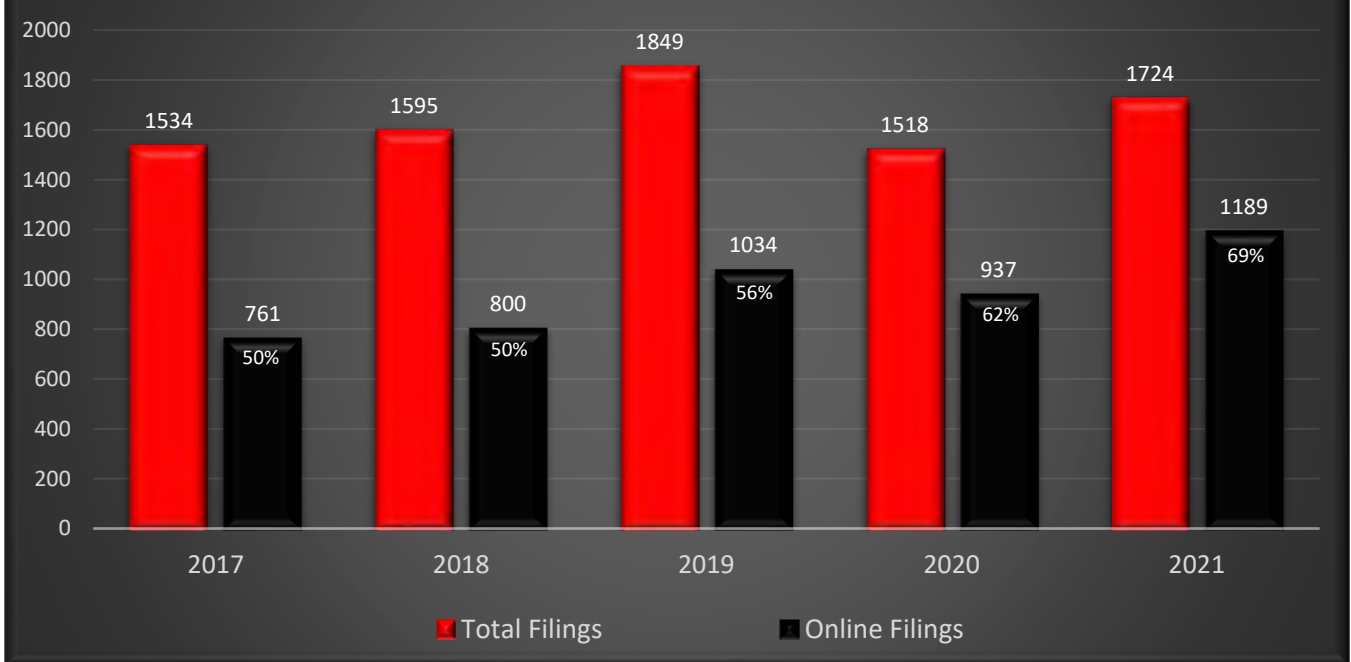
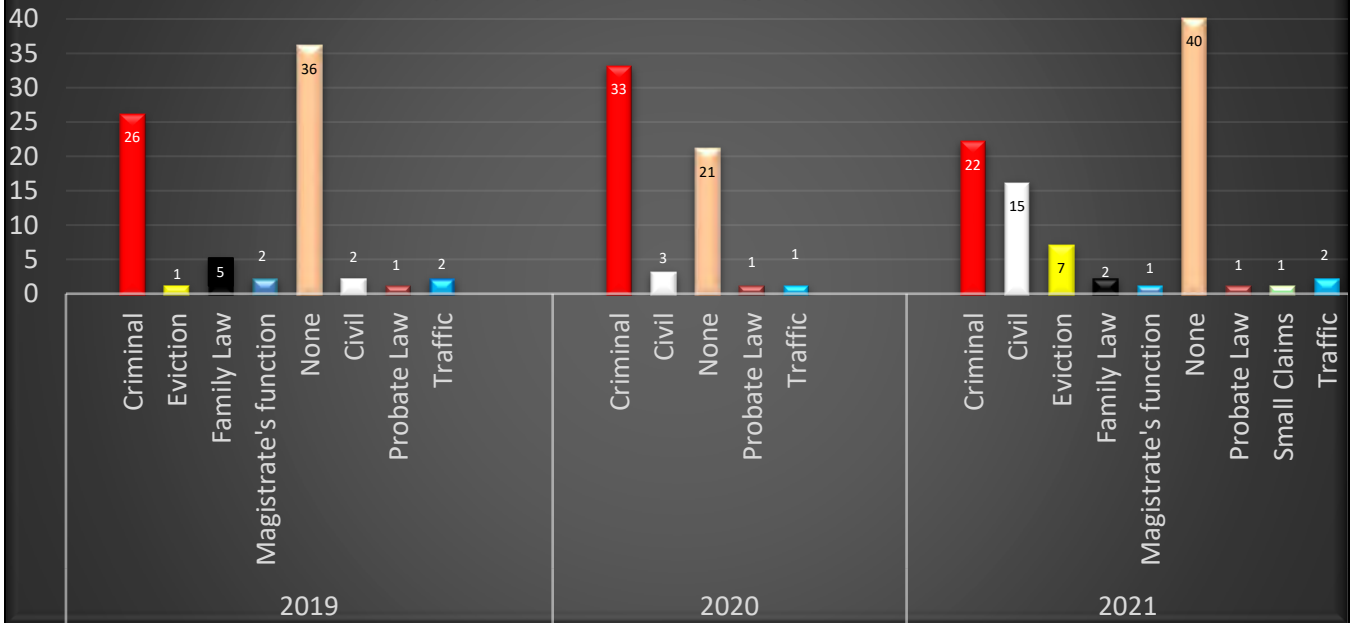


Fig. 8 Number and Percentage of Complaints Filed Online



Discipline by Court Case Type (FY19 - FY21)



"None" refers to complaints in which there was no underlying court case. (Off-the-bench conduct such as campaign activity, etc.)

# EXAMPLES OF IMPROPER JUDICIAL CONDUCT

The following are examples of judicial misconduct that resulted in disciplinary action by the Commission in fiscal year 2020. These are illustrative examples of misconduct, and do not represent every disciplinary action taken by the Commission in fiscal year 2020. 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 2020. 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 and engaged in willful and persistent conduct that cast public discredit upon the judiciary by displaying a handgun in a manner contrary to Texas law. [Violations of Canons 2A of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Reprimand of a Justice of the Peace.* 9/8/20.
- The judge failed to comply with the law and maintain competence in the law when he instructed his court staff to not accept applications for writs of possession after 3:30 p.m., or before 10:30 a.m., failed to forward a litigant's notice of appeal the denial of the litigant's pauper's affidavit to the court, and issuing a writ of

possession after the litigant had timely perfected his appeal, engaged in willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties by failing to timely respond to the Commission's inquiry, and engaged willful or persistent conduct that cast public discredit upon the judiciary by removing a political candidate's campaign signs on the judge's neighbor's property, and in his interview with the media regarding the incident. [Violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, Article V, Section 1-a(6)A of the Texas Constitution, Section 33.001(b)(5) of the Texas Government Code.] *Public Admonition of a Justice of the Peace*. 11/12/20.

- The judge implemented a policy that violated the public's constitutional right of access to the courts by requiring parties, attorneys and members of the public to sign in and be called up individually before being admitted into the courtroom, and closing the court to the public during proceedings. [Violations of Canons 2A, 3B(2) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a Justice of the Peace*. 7/1/21.
- The judge failed to comply with the law when she operated a motor vehicle while intoxicated, a criminal offense for which she successfully completed a pre-trial diversion program. [Violation of Canon 2A of the Texas Code of Judicial Conduct.] *Private Admonition of a Former Municipal Court Judge*. 8/12/21.

**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 allowed her relationship with acquaintances to influence her judicial conduct and judgment, lent the prestige of her judicial office to advance the private interests of those acquaintances, and performed judicial duties with bias or prejudice, when she traveled to the scene of a traffic stop involving those persons, communicated with law enforcement on the scene, signed a blood draw warrant related to the stop and performed the magistration of one of the involved individuals at the hospital. [Violation of Canons 2B and 3B(5) of the Texas Code of Judicial Conduct.] *Private Reprimand and Order of Additional Education of a District Court Judge*. 8/16/21.
- The judge created an appearance of impropriety, specifically, the appearance that he lent the prestige of his judicial office to advance the private interests of the judge or others, when he attended proceedings in a guardianship case after he had transferred the case from his court to the district court. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Admonition of a Former County Judge*. 12/4/20.
- The judge lent the prestige of his judicial office to advance the private interests of others when he placed a telephone call to a district court judge before whom a child custody case was pending to discuss the case and the parties. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Reprimand and Order of Additional Education of a Justice of the Peace*. 12/4/20.

**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 be patient, dignified and courteous towards a juvenile defendant in her court when, improperly straying from her judicial role, she grabbed his arm and turned him towards her. [Violation of Canon 3B(4) of the Texas Code of Judicial Conduct.] *Private Warning of a Municipal Court Judge*. 9/8/20.
- The judge failed to be patient, dignified and courteous to a litigant and his counsel, demonstrated an improper prejudice against that litigant, and failed to accord him the right to be heard according to law. During a temporary orders hearing

in a suit affecting the parent child relationship, the judge indicated his predisposition towards the litigant having any contact with his children based on the opposing party's presentation of her case, interrupted the testimony of the litigant's first and only witness, and discouraged further evidentiary presentation from the litigant and his counsel. [Violations of Canons 3B(4), 3B(5) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Reprimand of a Former District Court Judge.* 6/18/21.

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

- The judge failed to comply with the law and exhibited bias or prejudice by referring to eviction litigants as “that class of people” he was dealing with that influenced his handling of the eviction suit, and commenting that a mentally disabled defendant who he magistrates needed to be hung by “a fucking noose around his neck.” [Violations of Canons 2A, 3B(4), 3B(5) and 3B(6) of the Texas Code of Judicial Conduct] *Public Reprimand and Order of Additional Education of a Justice of the Peace.* 4/9/21.

**CANON 3B(1): A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.**

- The judge improperly failed to disqualify himself from presiding over a criminal case in which the State was seeking an adjudication of guilt and revocation of probation of the defendant approximately 11 years after the judge (as an attorney) had represented the same defendant in connection with the plea agreement that had resulted in the defendant's deferred adjudication and period of community supervision the State was seeking to revoke. [Violations of Canons 2A and 3B(1) of the Texas Code of Judicial Conduct.] *Private Warning of a District Court Judge.* 12/4/20.

**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. A judge shall not initiate, permit, or consider *ex parte* communications . . .**

- The judge failed to accord the right to be heard according to law when he instructed the County District Clerk's Office not to accept the filing of the litigant's motion to reopen the case. [Violations of Canon 3B(8) of the Texas Code of Judicial Conduct.] *Public Warning and Order of Additional Education of a District Court Judge.* 11/12/20.
- The judge engaged in improper *ex parte* communications when he proceeded with a hearing on a motion to modify judgment, and invited argument from defendant's counsel, who made their arguments, despite the absence of plaintiffs or their counsel. [Violation of Canon 3B(8) of the Texas Code of Judicial Conduct.] *Private Admonition of a District Court Judge.* 12/4/20.
- The judge failed to be patient, dignified and courteous to an eviction case defendant and witnesses, failed to accord the defendant the right to be heard according to law, failed to require order and decorum in proceedings before him, and failed to comply with the law or maintain competence in the law when he: (1) excluded the defendant and some witnesses from a court proceeding related to an eviction matter; (2) adjourned the eviction trial when the proceedings became chaotic; (3) obtaining evidence not presented in open court and basing his decision in the eviction matter on same; (4) failing to announce his decision in the eviction trial in open court; and (5) spoke rudely to and used profanity with the defendant when she attempted to file documents after the eviction trial. [Violations of Canons 2A, 3B(2), 3B(3), 3B(4) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Justice of the Peace.* 4/29/21.
- The judge failed to comply with the law and maintain professional competence in the law, failed to be patient, dignified and courteous towards the constable and/or constable's office in his precinct, and failed to perform judicial duties without bias or prejudice, when he failed to issue citations for service of process to the constable's office as requested by litigants. The judge also failed to comply with the law and maintain professional competence in the law, and failed to accord a person having a legal interest in a proceeding before him the right to be heard according to law, when the court failed to properly notice a litigant of the initial trial setting in his case, and later, the judge failed to note a judgment



amount and to properly set an appeal bond in the litigant's case. [Violations of Canons 2A, 3B(2), 3B(4), 3B(5) and 3B(8) of the Texas Code of Judicial Conduct.] *Private Warning and Order of Additional Education of a Justice of the Peace.* 8/12/21.

**CANON 3B(10): A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case.**

- The judge commented publicly about a matter pending in her court in a manner which could suggest to a reasonable person her probable decision regarding such matter, and engaged in social media activities that cast reasonable doubt on her capacity to act impartially as a judge and interfered with the proper performance of her judicial duties. [Violations of Canons 3B(10), 4A(1) and 4A(2) 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 District Court Judge.* 3/25/21.

**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 cast doubt on his capacity to act impartially to persons appearing before him as a judge due to such persons' sexual orientation when he made a public statement on his Facebook page that he would refuse to officiate same-sex weddings if asked and reiterated his position regarding officiating same-sex weddings in a subsequent statement to the media. [Violation of Canon 4A(1) of the Texas Code of Judicial Conduct.] *Private Warning of a Former Justice of the Peace.* 11/12/20.
- The judge conveyed or permitted others to convey they are in a special position to influence the judge when she attended a luncheon hosted and paid for by one of the law firms involved in a highly contested civil case while the case was still pending before her court and set for post-judgment matters the following day and failing to disclose that event to all parties involved in the litigation. [Violations of Canons 2B, 4A(1) and 4A(2) of the Texas Code of Judicial Conduct.] *Public Warning and Order of Additional Education of a District Court Judge.* 4/9/21.
- The judge lent the prestige of her judicial office to advance the private interests of judicial candidates in the 2018 election, and posted comments to her Facebook page which cast reasonable doubt on the judge's capacity to act impartially as a judge. [Violations of Canons 2B, 4A(1) and 5(2) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning and Order of Additional Education of a District Court Judge.* 8/16/21.

**CANON 5(2): A judge shall not authorize the use of his or her name endorsing another candidate for any public office.**

- A judge lent the prestige of his judicial office to advance the private interest of a candidate by publicly endorsing the candidate in her campaign for reelection. The judge's actions constituted an improper public endorsement of the candidate for public office. [Violations of Canons 2B and 5(2) of the Texas Code of Judicial Conduct.] *Public Warning of a District Court Judge.* 12/4/20.
- The judge used her social media in a manner which could be perceived as advancing the private interests of the judge or others or authorizing the use of the judge's name to endorse other candidates for public office, or that conveyed the impression that others are in a special position to influence the judge. [Violations of Canons 2B and 5(2) of the Texas Code of Judicial Conduct.] *Private Warning of a Former District Court Judge.* 12/4/20.

**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 engaged in willful or persistent conduct that is clearly inconsistent with the proper performance of her duties by failing to set, hear, decide and timely sign order regarding a litigant's post-judgment motions, matter which were assigned to the judge and from which she neither disqualified nor recused, and failing to timely refer a motion to recuse. [Violations of Canon 3B(1) and Violation of Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning and Order of Additional Education of a District Court Judge.* 11/28/20.
- The judge engaged in willful conduct that cast public discredit upon the judiciary by his use of derogatory slurs in the courtroom while others were present. [Violation of Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning of a Senior District Court Judge.* 12/4/20.
- The judge engaged in willful conduct that cast public discredit upon the judiciary, and the administration of justice when he ordered the activation of a defendant's stun cuff which resulted in injury to the defendant and defendant's absence for the remainder of the guilt-innocence phase of his criminal trial. [Violation of Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning of a District Court Judge.* 8/19/21.

## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
--------------	------	------------------	----------

### APPELLATE JUDGE MEMBERS

Texas Supreme Court	Honorable Charles Barrow	66 - 69	4 Year Term
Texas Supreme Court	Honorable Spurgeon Bell	66 - 71	Served as Chair
Texas Supreme Court	Honorable Homer Stephenson	70 - 75	Served as Chair
Texas Supreme Court	Honorable Phil Peden	72 - 77	Served as Secretary Served as Chair
Texas Supreme Court	Honorable Edward Coulson	78 - 81	Served as Vice Chair
Texas Supreme Court	Honorable Charles L. Reynolds	78 - 81	Unexpired Term Served as Vice Chair
Texas Supreme Court	Honorable Esco Walter	75 - 77	
Texas Supreme Court	Honorable John Boyd	82 - 87	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable William Junell	77 - 81 81 - 83	Unexpired Term Reappointed Served as Chair
Texas Supreme Court	Honorable William Bass	89 - 94	Retired
Texas Supreme Court	Honorable William "Bud" Arnot	95 - 95 95 - 01	Unexpired Term Reappointed Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Joseph B. Morris	01 - 07	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Jan P. Patterson	07 - 13	Served as Vice Chair
Texas Supreme Court	Honorable David Gaultney	11 - 13	Unexpired Term
Texas Supreme Court	Honorable Douglas S. Lang	13 - 18	Served as Chair Served as Vice Chair Served as Secretary
Texas Supreme Court	Honorable Lee Gabriel	19 - 19	Unexpired Term
Texas Supreme Court	Honorable David Schenck	20 -	Unexpired Term

# COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
--------------	------	------------------	----------

## DISTRICT JUDGE MEMBERS

Texas Supreme Court	Honorable Connally McKay	66 – 68	Served as Vice Chair
Texas Supreme Court	Honorable Truett Smith	66 – 69	Served as Vice Chair
Texas Supreme Court	Honorable Clarence Guittard	68 – 69	Unexpired Term Served as Secretary Resigned (appointed Appellate Judge)
Texas Supreme Court	Honorable Howard Davison	68 – 75	Served as Vice Chair
Texas Supreme Court	Honorable R. C. Vaughan	69 – 71 71 – 77	Unexpired Term Reappointed Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Walter E. Jordan	78 – 81	Served as Chair
Texas Supreme Court	Honorable Darrell Hester	76 – 81	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Raul Longoria	82 – 87	
Texas Supreme Court	Honorable Harry Hopkins	82 – 83 83 – 89	Unexpired Term Reappointed Served as Vice Chair Resigned (appointed Appellate Judge)
Texas Supreme Court	Honorable Homer Salinas	88 – 93	Served as Vice Chair
Texas Supreme Court	Honorable Merrill Hartman	93 – 99	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Kathleen Olivares	99 – 05	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Sid Harle	05 – 11	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Orlinda L. Naranjo	11 - 18	
Texas Supreme Court	Honorable Ruben G. Reyes	18 - 20	Deceased
Texas Supreme Court	Vacant	20 -	

## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
--------------	------	------------------	----------

### COUNTY COURT AT LAW MEMBERS

Texas Supreme Court	Honorable J. Ray Kirkpatrick	85 -89	New Position
Texas Supreme Court	Honorable Hilda Tagle	89 - 91 91 - 94	Unexpired Term Reappointed Resigned (elected District Judge)
Texas Supreme Court	Honorable Martin Chiuminatto	95 – 97 97 - 03	Unexpired Term Reappointed Served as Secretary
Texas Supreme Court	Honorable Michael R. Fields	03 - 09	Served as Vice Chair
Texas Supreme Court	Honorable M. Sue Kurita	10 - 15	Served as Vice Chair
Texas Supreme Court	Honorable David C. Hall	15 -	Served as Secretary Served as Vice Chair Serving as Chair

### CONSTITUTIONAL COUNTY JUDGE MEMBERS

Texas Supreme Court	Honorable Ernie Houdashell	07 – 09	New Position
Texas Supreme Court	Honorable Joel P. Baker	09 – 11 11 - 16	Unexpired Term Reappointed Served as Vice Chair Resigned (2016)
Texas Supreme Court	Honorable Tramer J. Woytek	16 – 17 17 - 20	Unexpired Term Reappointed Served as Secretary (Resigned 2020)
Texas Supreme Court	Vacant	20 -	

### JUSTICE OF THE PEACE MEMBERS

Texas Supreme Court	Honorable Wayne LeCroy	78 – 83	New Position
Texas Supreme Court	Honorable James Dinkins	83 – 83	Unexpired Term

## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
Texas Supreme Court	Honorable Jack Richburg	84 – 85 85 – 90	Unexpired Term Reappointed
Texas Supreme Court	Honorable Charles McCain	91 – 91	Unexpired Term
Texas Supreme Court	Honorable Tom Lawrence	91 – 97	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable Keith Baker	97 – 03	
Texas Supreme Court	Honorable Rex Baker	03 – 07	Served as Vice Chair Served as Chair Resigned
Texas Supreme Court	Honorable Tom Lawrence	07 – 09	Unexpired Term
Texas Supreme Court	Honorable Steven L. Seider	10 - 15	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable David M. Patronella	15 -	

## MUNICIPAL JUDGE MEMBERS

Texas Supreme Court	Honorable Elinor Walters	85 – 91	New Position Served as Secretary
Texas Supreme Court	Honorable Bonnie Sudderth	91 – 96	Resigned (appointed District Judge)
Texas Supreme Court	Honorable Michael O'Neal	96 – 97 97 – 02	Unexpired Term Reappointed Resigned
Texas Supreme Court	Honorable Monica A. Gonzalez	02 – 03 03 – 09	Unexpired Term Reappointed Served as Vice Chair Served as Chair Resigned in '09 (appointed to CCL)
Texas Supreme Court	Honorable Edward J. Spillane, Jr.	09 – 15	
Texas Supreme Court	Honorable Catherine N. Wylie	15 - 19	Served as Vice Chair Served as Chair
Texas Supreme Court	Honorable M. Patrick Maguire	20 -	Unexpired Term

## PUBLIC MEMBERS

## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
Governor	William Blakemore	66 - 69	
Governor	Lewis Bond	66 - 70	
Governor	Robert Whipkey	66 - 72	
Governor	F. Howard Walsh	70 - 74	
Governor	Vernon Butler	70 - 75	
Governor	F. Ray McCormick	73 - 77	
Governor	Carl Dillard	74 - 81	Served as Secretary
Governor	Crawford Godfrey	76 - 81	
Governor	Mike Maros	78 - 83	Served as Secretary Replaced McCormick
Governor	Robert Rogers	81 - 85	
Governor	Scott Taliaferro	81 - 85	Served as Secretary
Governor	Col.(R) Nathan I. Reiter	81 - 87	Served as Secretary Resigned 5/14/87
Governor	Max Emmert, III	83 - 89	
Governor	Lowell Cable	85 - 91	
Governor	Gary Griffith	88 - 91	Unexpired Term
Governor	Dr. Roderick Nugent	87 - 93	
Governor	Al Lock	89 - 95	Served as Secretary
Governor	Carol MacLean	94 - 97	Resigned
Governor	Rosa Walker	91 - 97	
Governor	Jean Birmingham	93 - 99	

## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
Governor	L. Scott Mann	95 - 01	Served as Vice Chair Served as Chair
Governor	Dee Coats	98 - 03	Served as Secretary
Governor	Gilbert M. Martinez	98 - 03	
Governor	Wayne Brittingham	00 - 01	Resigned
Governor	Faye Barksdale	01 - 07	
Governor	R.C. Allen III	02 - 05	
Governor	Ann Appling Bradford	03 - 09	Served as Secretary
Governor	Buck Prewitt	04 - 06	Resigned
Governor	Gilbert Herrera	05 - 05	Resigned
Governor	Janelle Shepard	05 - 11	Served as Secretary
Governor	Cynthia Tauss Delgado	07 - 07	Resigned
Governor	William Lawrence	07 - 09	Unexpired Term
Governor	Conrado De La Garza	08 - 08	Resigned
Governor	Karry Matson	09 - 13	Unexpired Term
Governor	Patty Johnson	09 - 11 11 - 18	Unexpired Term Reappointed Served as Secretary
Governor	Martha Hernandez	10 - 15	
Governor	Diane DeLaTorre Threadgill	10 - 15	
Governor	Valerie E. Ertz	11 - 17	Served as Secretary Served as Chair
Governor	David M. Russell	13 - 19	
Governor	Darrick L. McGill	17 -	
Governor	Sujeeth B. Draksharam	17 -	
Governor	Maricela Alvarado	18 - 19	Resigned
Governor	Amy Suhl	18 - 19	Resigned
Governor	Valerie Ertz	19 -	Unexpired Term
Governor	Frederick C. Tate	19 -	Unexpired Term
Governor	Janis Holt	19 -	

## ATTORNEY MEMBERS

State Bar	J. E. Abernathy	66 - 69	
State Bar	Fred Werkenthin	66 - 72	Served as Secretary



## COMMISSION MEMBERS PAST AND PRESENT

(Last Updated 9/7/21)

APPOINTED BY	NAME	DATES OF SERVICE	COMMENTS
State Bar	Donald Eastland	69 – 75	Served as Chair
State Bar	Robert C McGinnis	71 – 77	
State Bar	O. J. Weber	75 – 81	Served as Vice Chair
State Bar	W. Truett Smith	78 – 83	Served as Chair
State Bar	Robert Parsley	81 – 87	
State Bar	Jamie Clements	83 – 89	Served as Vice Chair
State Bar	Charles Smith	87 – 93	Served as Chair
State Bar	Charles R. Dunn	89 – 95	Served as Chair
State Bar	Jack Pasqual	93 – 99	
State Bar	Blake Tartt	95 – 01	
State Bar	Wallace Jefferson	99 – 01	Resigned (appointed Supreme Court Justice)
State Bar	Ron Krist	01 – 07	
State Bar	James Hall	01 – 05	Unexpired Term Served as Vice Chair Served as Chair
State Bar	Jorge Rangel	05 – 11	Served as Vice Chair Served as Chair
State Bar	Tom Cunningham	07 – 13	Served as Vice Chair Served as Chair
State Bar	Ricky A. Raven	11 - 17	Served as Secretary
State Bar	Demetrius K. Bivins	13 - 20	
State Bar	Ronald E. Bunch	17 -	Served as Secretary Served as Vice-Chair
State Bar	Steve Fischer	19 - 20	Resigned
State Bar	Clifton Roberson	21 - 25	Unexpired Term