

LEGISLATIVE APPROPRIATIONS REQUEST for Fiscal Years 2022 and 2023

Submitted to the Office of the Governor, Budget Division,
and the Legislative Budget Board



BY
242 - State Commission on Judicial Conduct

September 11, 2020

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Administrator's Statement

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

242 State Commission on Judicial Conduct

The State Commission on Judicial Conduct ("SCJC") is comprised of thirteen members: six judicial members appointed by the Supreme Court of Texas, two attorney members appointed by the State Bar of Texas, and five public members (who are neither judges nor attorneys) appointed by the Office of the Governor. The current members of the Commission include:

Honorable David C. Hall, Chair
County Court at Law Judge Member
Sweetwater, TX

Mr. Ronald Bunch, Vice Chair
Attorney Member
Waxahachie, TX

Honorable David M. Patronella
Justice of the Peace Member
Houston, TX

Honorable Ruben Reyes
District Judge Member
Lubbock, TX

Honorable David Schenck
Fifth Court of Appeals Judge Member
Dallas, Tx

Mr. Patrick Maguire
Municipal Court Judge Member
Kerrville, TX

Mr. Steven Fischer
Attorney Member
El Paso, TX

Ms. Valerie Ertz
Public Member
Dallas, TX

Mr. Sujeeth Draksharam
Public Member

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Sugarland, TX

Mr. Darrick McGill
Public Member
Georgetown, TX

Mr. Frederick Tate
Public Member
Colleyville, TX

Mrs. Janis Holt
Public Member
Silsbee, TX

The mission of the SCJC is to promote public confidence in the integrity, independence, and impartiality of the judiciary while encouraging judges to maintain high ethical standards of conduct on and off the bench. The primary method for achieving this mission is through the investigation of allegations of judicial misconduct or disability. In appropriate cases where there is sufficient evidence that a willful or persistent violation of the Texas Code of Judicial Conduct has occurred, the SCJC may take disciplinary action against a judge through (i) a private or public sanction and/or an order of additional education; (ii) a suspension order; (iii) acceptance of a voluntary resignation agreement; or (iv) formal public proceedings that could result in a judge's public sanction, censure, or a recommendation for removal from office.

I. Introduction: Workload Increases, FY 2015-2020

During FY 2019, the SCJC experienced a significant increase in total workload in two areas: complaints continued to increase, and the number of external proceedings also increased dramatically.

A. Increase in Filed Complaints

Over the last four years, the number of filings received by the Commission have dramatically increased. The following shows the number of filings received, dispositions and total caseload for each fiscal year since 2015.

FY	Filings	Dispositions	Caseload
15	1,066	1,245	477
16	1,193	1,050	625
17	1,535	1,333	827
18	1,595	1,661	947
19	1,849	1,694	806

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20	1,585(i)	1,230(ii)	1,205
21	2,032	1,723	1,176
22	2,239	1,802	1,292
23	2,446	1,882	1,409

In order to ensure conservative forecasting estimations, the projections for FY 2022-2023 assume annual growth rates of 3% for filings and 4% for dispositions.

B. External Proceedings (Special Courts of Review)

The agency has also borne significant time and expense due to an increase in the number of external proceedings, including filing charges in five Special Courts of Review.

(1) Special Courts of Review

A Special Court of Review is the process by which a judge may appeal a sanction issued by the Commission and is governed by Chapter 33.034 of the Texas Government Code. Between FY 2019 - 2020, five judges sanctioned by the Commission exercised this statutory right. All five cases required preparation of a transcript of the proceedings, and Staff prepared and filed a formal charge in each of the five cases. One judge dismissed the complaint prior to the Final Hearing, two went to Final Hearing and two remain pending.(iii) These Special Courts of Review proceedings consumed an estimated 360 hours of Agency Staff time during FY 2019-2020.

Based primarily on these issues, and others described below, the Commission is requesting two Exceptional Items, as follows:

Funding for Outside Counsel Fees/Review of Commission Decisions: \$100,000/\$200,000 Biennium

On January 9, 2020 and March 19, 2020, respectively, the Office of the Attorney General (OAG) declined to represent the SCJC in two separate lawsuits challenging the Commission's authority to discipline for certain conduct and requesting declaratory judgments – one in State court and one in Federal court. From January 9, 2020 through August 31, 2020, the SCJC paid approximately \$4,500 out of its own budget to cover the costs of litigation and the work of outside counsel in the defense of these lawsuits.

Outside counsel has not yet resolved either case.(iv) The costs to defend the SCJC in these pending cases and possible related appeals will continue to accrue throughout the FY 2022-2023 biennium. The SCJC has no way to predict when either of the cases will be tried on the merits, what the cost will be to defend the cases at trial and on appeal, or if the OAG will decline to represent the SCJC in other such, future external litigation.

Additionally, the SCJC must continue to address litigation costs related to reviews of its decisions sought by judges who have received sanctions from the Commission, via Special Courts of Review. As with the above-described external litigation, the SCJC cannot predict when such cases will arise (as that is within the control of the subject judges), or what the costs associated with those cases will amount to, but those costs will include, at least; hearing transcripts, subpoena fees, witness fees (expert and/or fact witnesses), and service of process fees. Since January 1, 2018, thirteen (13) such proceedings have been initiated by judges seeking review of a Commission decision.

Administrator's Statement

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Funding for One Additional Investigator Position: \$50,000 Annual/\$100,000 Biennium

The SCJC would greatly benefit from the addition of an investigator staff position to handle an ever-increasing caseload and to conduct a more regular and standard review of social media involving the conduct of judges. Having an investigator whose job duties would include, but would not be limited to, actively monitoring various social media platforms would allow the SCJC to identify and address more cases involving potential judicial misconduct.

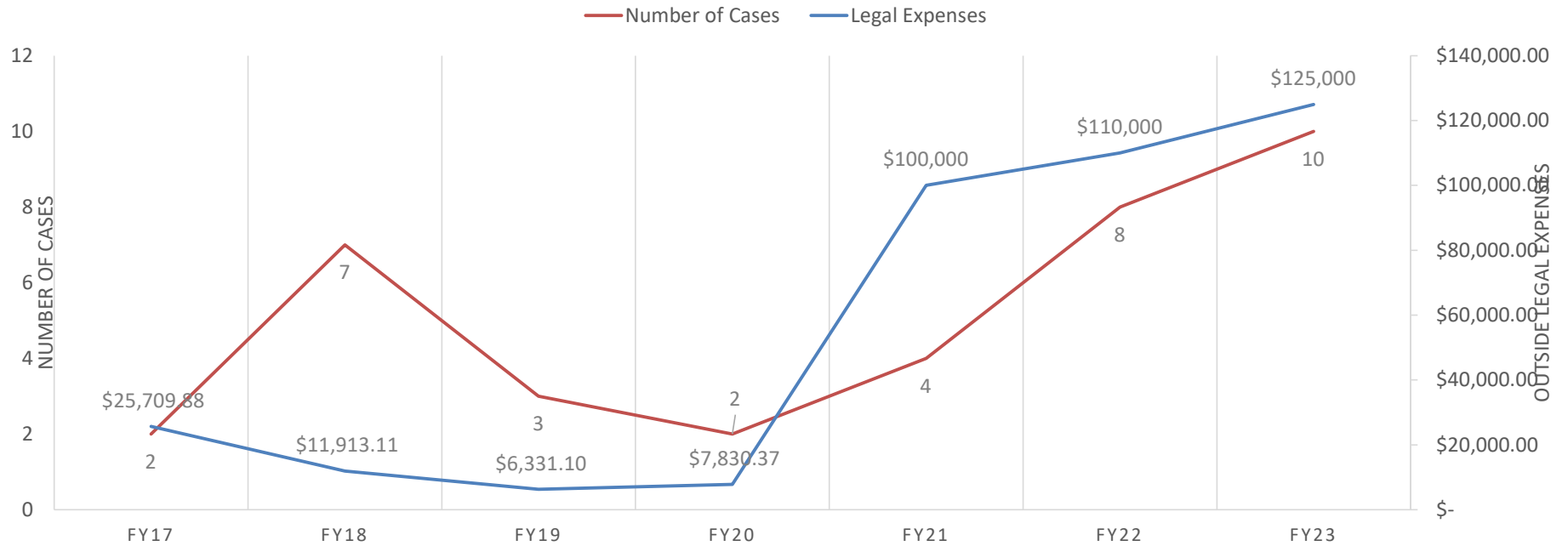
In addition to the Chief Investigator, 2 staff investigators, and 1 investigator/screener currently share the responsibility of handling a pending caseload of more than 600 cases requiring preliminary investigations. The ability of an additional staff investigator to take over a share of the preliminary investigations currently pending and to pursue a more regular and standard review of judicial social media activity utilizing various social media platforms, would reduce the delay in resolving judicial misconduct cases and ensure high quality preliminary investigations that provide the SCJC with the best information needed to make the most informed decisions regarding the appropriate action.

Footnotes:

- (i) Due to the COVID-19 Pandemic, Governor Gregg Abbott's Executive Orders and the Texas Supreme Court's Emergency Orders delaying all nonessential court proceedings, the SCJC experienced a brief decline in the number of complaints filed with the agency.
- (ii) On May 8, 2020 the Office of Court Administration (OCA), the information technology provider (IT) for the appellate courts and state judicial agencies within the Texas judicial branch, including the SCJC, experienced a Ransomware attack which disabled the SCJC's network including websites and servers for approximately 3 months. OCA provided a temporary means to enable the SCJC to continue its functions, but the agency's case management system is still in the process of being fully restored. The number represents a decline in dispositions due to the pandemic and the ransomware attack.
- (iii) Due to the Coronavirus (COVID-19) pandemic and the Governor Abbott's declaration of a state of disaster for all Texas Counties on March 13, 2020, and the Supreme Court of Texas's First Emergency Order regarding COVID-19 State of Disaster, the Special Courts of Review abated the proceedings until further notice.
- (iv) (1) Cause No. D-1-GN-20-003926, Diane Hensley, on Behalf of Herself and Others Similarly Situated vs. State Commission on Judicial Conduct, et. al. was originally filed on December 17, 2019 and is currently pending in the 459th Judicial District Court in Travis, County; and, (2) Cause No. 4:20-cv-00253-P, Brian Keith Umphress vs. David Hall, et. al. was filed on March 18, 2020 and is currently pending before the United States District Court for the Northern District of Texas, Fort Worth Division.

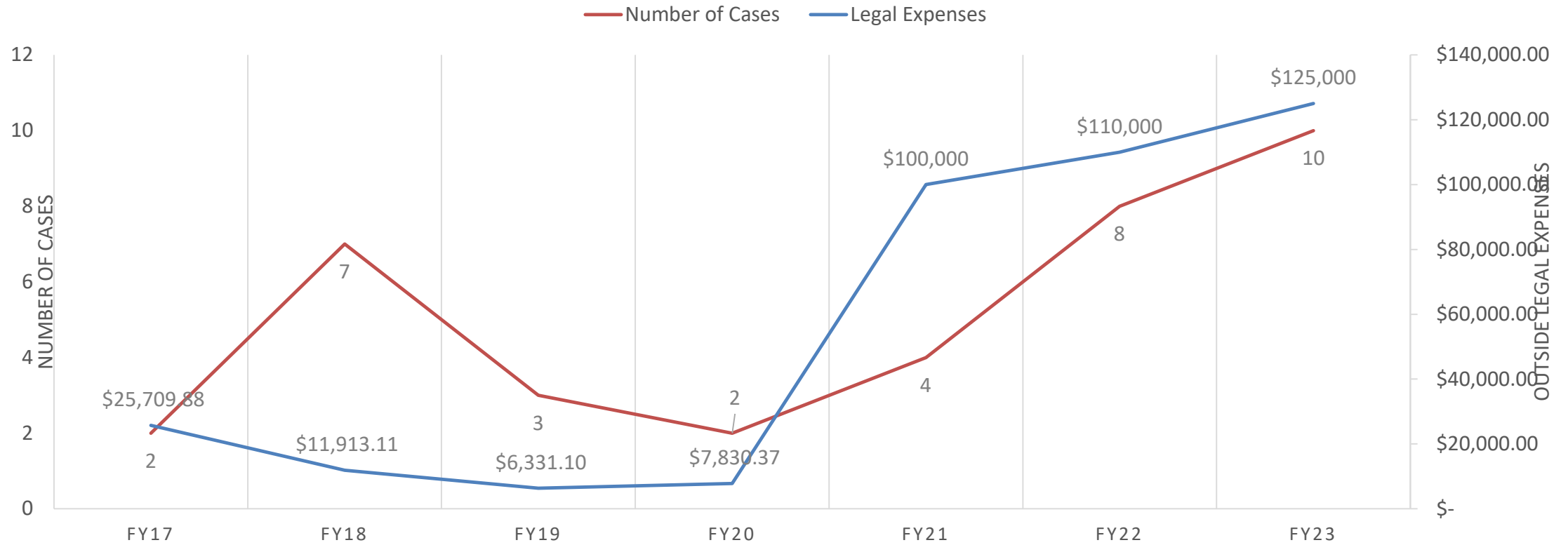
State Commission on Judicial Conduct

OUTSIDE LEGAL EXPENSES BY FY



State Commission on Judicial Conduct

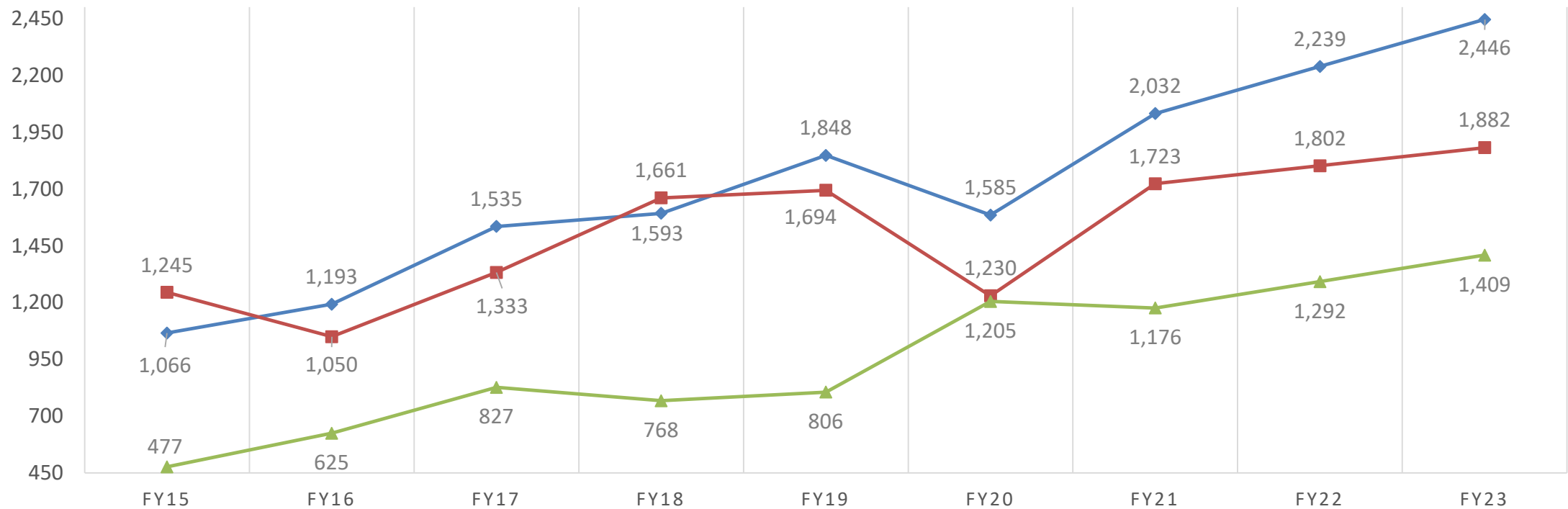
OUTSIDE LEGAL EXPENSES BY FY



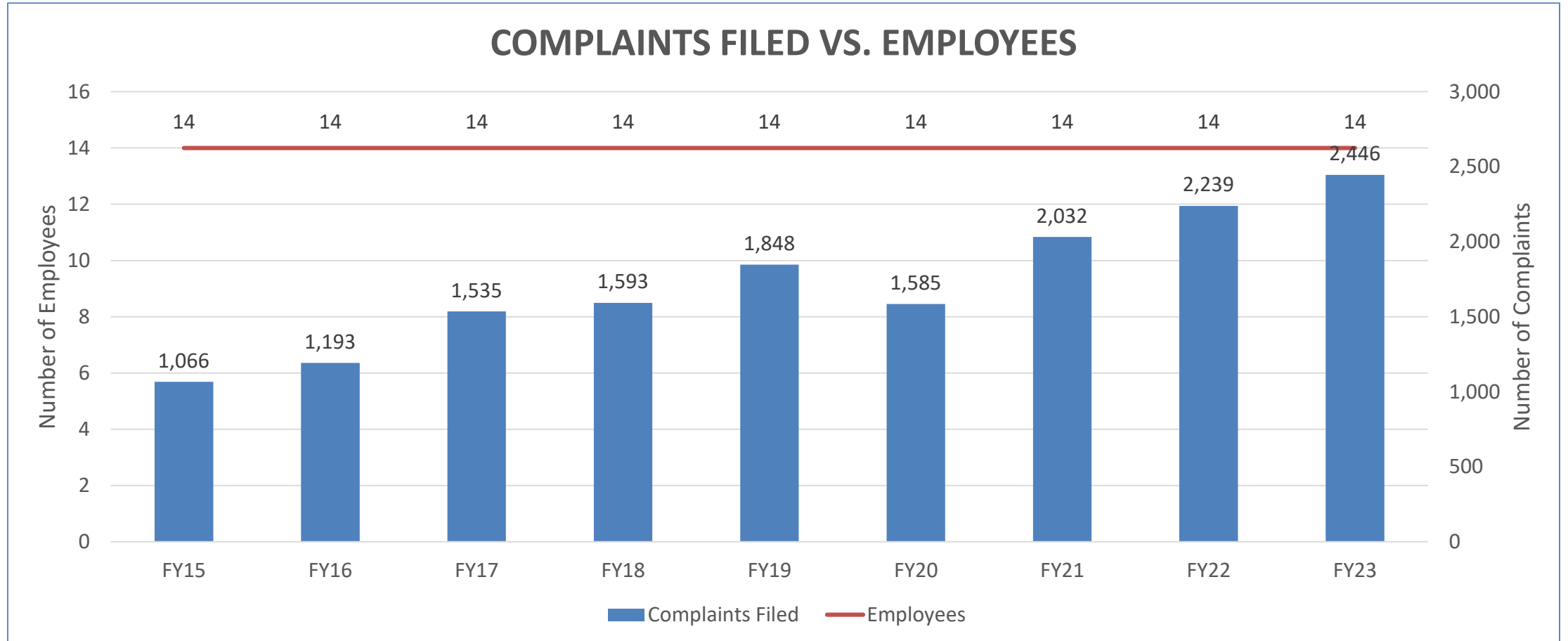
State Commission on Judicial Conduct

COMPLAINTS, DISPOSITIONS AND CASELOADS BY FY

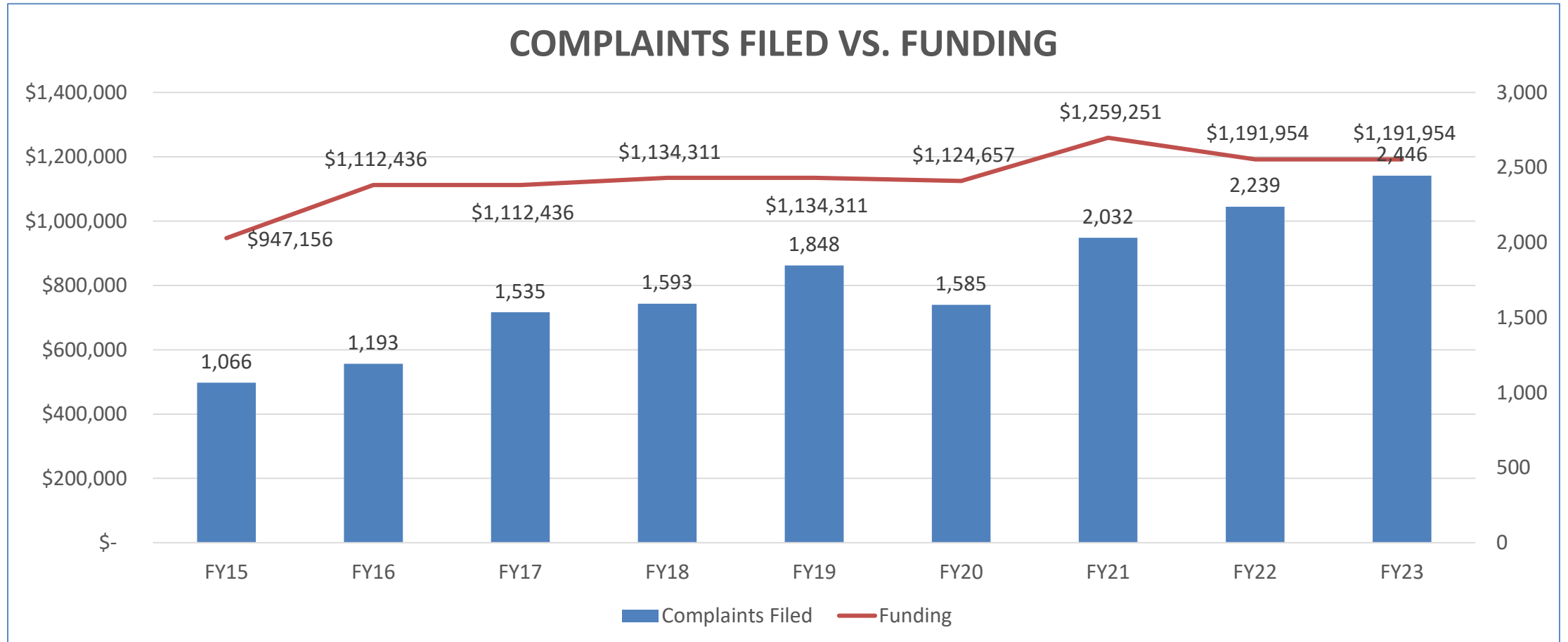
◆ Complaints Filed ■ Complaints Disposed ▲ Gap (Complaints - Dispositions)



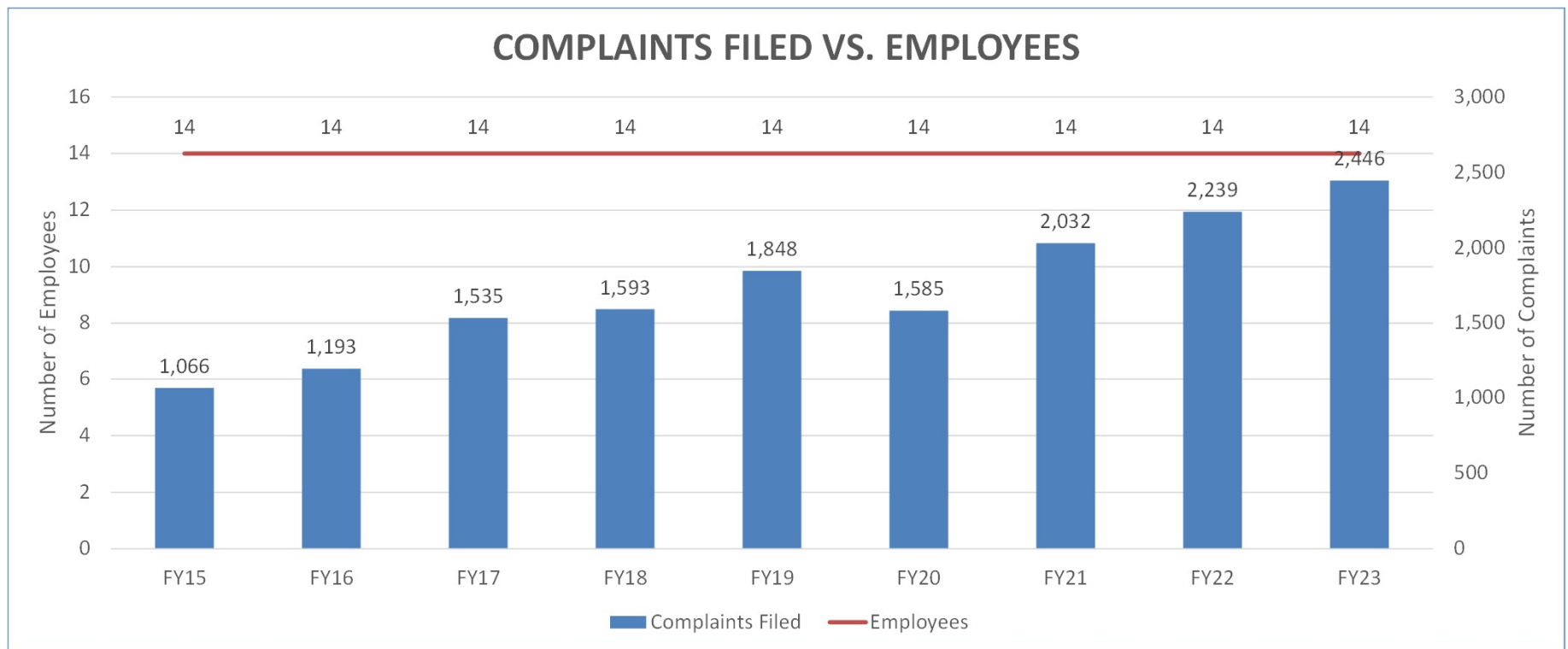
State Commission on Judicial Conduct



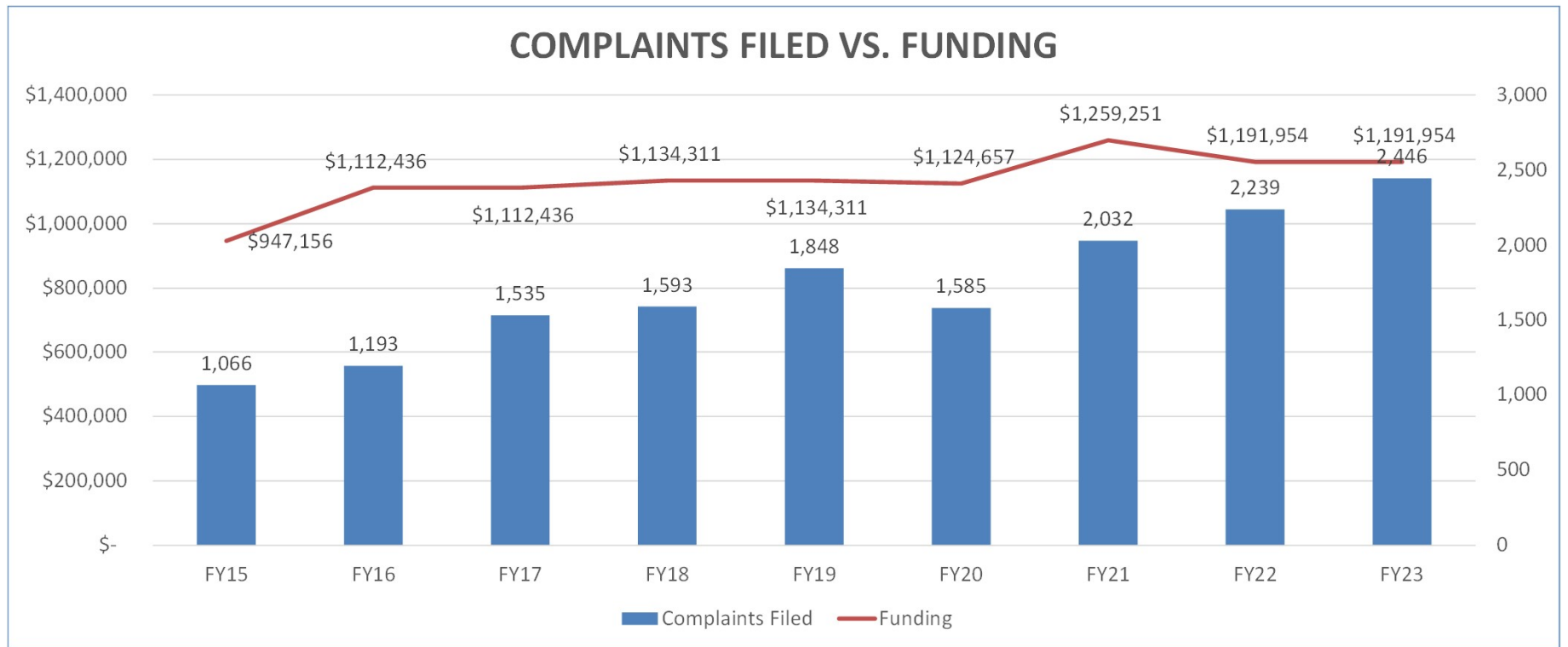
State Commission on Judicial Conduct



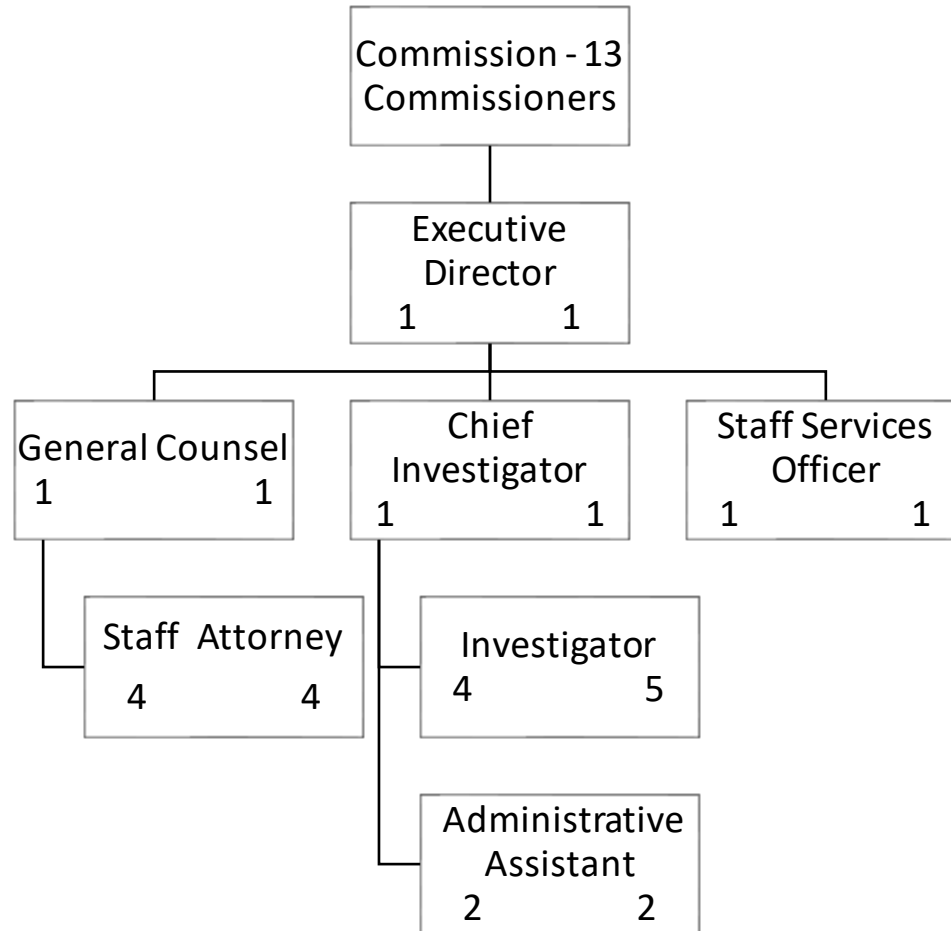
State Commission on Judicial Conduct



State Commission on Judicial Conduct



State Commission on Judicial Conduct Organizational Chart





CERTIFICATE

Agency Name State Commission on Judicial Conduct

This is to certify that the information contained in the agency Legislative Appropriation Request filed with the Legislative Budget Board (LBB) and the Governor's Office Budget Division (Governor's Office) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's Office will be notified in writing in accordance with Article IX, Section 7.01 (2020-21 GAA).

Chief Executive Officer or Presiding Judge

Jacqueline Habersham

Signature

Jacqueline Habersham

Printed Name

Executive Director

Title

9/11/20

Date

Board or Commission Chair

David Hall

Signature

David Hall

Printed Name

Commission Chair

Title

9/11/2020

Date

Chief Financial Officer

Kathryn Crabtree

Signature

Kathryn Crabtree

Printed Name

Staff Services Officer

Title

9/11/2020

Date

242 State Commission on Judicial Conduct

Appropriation Years: 2022-23

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL
	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	ITEM FUNDS
Goal: 1. Administration and Enforcement											
1.1.1. Administration And Enforcement	2,383,908	2,383,908							2,383,908	2,383,908	306,000
Total, Goal	2,383,908	2,383,908							2,383,908	2,383,908	306,000
Total, Agency	2,383,908	2,383,908							2,383,908	2,383,908	306,000
Total FTEs									14.0	14.0	15.0

242 State Commission on Judicial Conduct

Goal / Objective / STRATEGY	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
1 Administration and Enforcement					
1 Administration and Enforcement	1,190,946	1,024,657	1,359,251	1,191,954	1,191,954
1 ADMINISTRATION AND ENFORCEMENT					
TOTAL, GOAL 1	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
TOTAL, AGENCY STRATEGY REQUEST	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	1,190,946	1,024,657	1,359,251	1,191,954	1,191,954
SUBTOTAL	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
TOTAL, METHOD OF FINANCING	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/11/2020 5:33:59PM

Agency code: **242** Agency name: **State Commission on Judicial Conduct**

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
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GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

\$1,134,311	\$0	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2020-21 GAA)

\$0	\$1,250,126	\$1,259,251	\$0	\$0	\$0
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Regular Appropriation

\$0	\$0	\$0	\$1,191,954	\$1,191,954	\$0
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Comments: 2022-23 BLRequest

LAPSED APPROPRIATIONS

Regular Appropriations from MOF Table (2018-19 GAA)

\$(3,991)	\$0	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2020-21 GAA)

\$0	\$(125,469)	\$0	\$0	\$0	\$0
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Comments: 5% Budget Reduction for 2020-21 GAA

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/11/2020 5:33:59PM

Agency code: 242		Agency name: State Commission on Judicial Conduct				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>GENERAL REVENUE</u>						
<i>UNEXPENDED BALANCES AUTHORITY</i>						
SB 500, 86th Leg, Regular Session		\$60,626	\$0	\$0	\$0	\$0
HB 1, 86th Leg, Regular Session		\$0	\$(100,000)	\$100,000	\$0	\$0
TOTAL, General Revenue Fund		\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
TOTAL, ALL GENERAL REVENUE		\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
GRAND TOTAL		\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2018-19 GAA)		14.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)		0.0	14.0	14.0	14.0	14.0
TOTAL, ADJUSTED FTES		14.0	14.0	14.0	14.0	14.0

2.B. Summary of Base Request by Method of Finance
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/11/2020 5:33:59PM

Agency code: **242** Agency name: **State Commission on Judicial Conduct**

METHOD OF FINANCING **Exp 2019** **Est 2020** **Bud 2021** **Req 2022** **Req 2023**

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

9/11/2020 5:34:00PM

242 State Commission on Judicial Conduct

OBJECT OF EXPENSE	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1001 SALARIES AND WAGES	\$920,586	\$894,083	\$1,051,985	\$1,000,000	\$1,000,000
1002 OTHER PERSONNEL COSTS	\$103,745	\$21,030	\$24,931	\$24,931	\$24,931
2001 PROFESSIONAL FEES AND SERVICES	\$20,687	\$6,809	\$103,900	\$5,000	\$5,000
2003 CONSUMABLE SUPPLIES	\$3,141	\$2,600	\$5,500	\$3,000	\$3,000
2004 UTILITIES	\$936	\$775	\$1,200	\$1,320	\$1,320
2005 TRAVEL	\$85,060	\$53,486	\$80,000	\$80,000	\$80,000
2006 RENT - BUILDING	\$3,576	\$2,872	\$2,600	\$3,620	\$3,620
2007 RENT - MACHINE AND OTHER	\$1,716	\$1,573	\$2,600	\$2,000	\$2,000
2009 OTHER OPERATING EXPENSE	\$51,499	\$41,429	\$86,535	\$72,083	\$72,083
OOE Total (Excluding Riders)	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
OOE Total (Riders)	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
Grand Total					

2.C.1. Operating Costs Detail ~ Base Request
87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 242 Agency: State Commission on Judicial Conduct

BASE REQUEST STRATEGY: 1-1-1 Administration and Enforcement

Code	Type of Expense	Expended	Estimated	Budgeted	Requested	Requested
2	Postage	\$7,095	\$2,131	\$4,000	\$4,000	\$4,000
5	Westlaw/Lexis	5,903	5,810	5,810	6,000	6,000
7	Subscriptions/Periodicals	3	11	15	15	15
12	Maintenance & Repair - Equipment	25	0	25	25	25
15	Printing & Reproduction	328	385	400	400	400
24	Freight/Delivery	16	0	25	25	25
29	Court Reporter Expenses	6,331	3,090	6,500	6,500	6,500
37	Computer Software / Upgrades	0	0	3,500	0	0
45	Telephone/Communication Services	4,507	4,276	4,500	4,500	4,500
56	Computer Equipment - Expensed	392	24	300	300	300
64	SORM Assessment	888	1,075	1,180	1,250	1,250
94	Awards	0	0	200	200	200
114	Reimbursement to TWC	0	2,585	0	0	0
117	Case Management System	3,560	7,960	10,000	10,000	10,000
120	Interest Paid on Delay Payments	0	1	0	0	0
168	Registration, Training, Membership	9,105	4,527	10,000	10,000	10,000
195	Payroll Health Insurance Contrib.	8,743	8,150	9,000	9,000	9,000
196	Additional Retirement	4,603	4,430	4,750	5,000	5,000
Total, Operating Costs		\$51,499	\$44,455	\$60,205	\$57,215	\$57,215

2.D. Summary of Base Request Objective Outcomes
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

9/11/2020 5:34:01PM

242 State Commission on Judicial Conduct

Goal/ Objective / Outcome	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1 Administration and Enforcement 1 Administration and Enforcement					
KEY 1 Percentage of Cases Disposed	92.00%	77.60%	90.50%	91.50%	92.40%

		Agency name: State Commission on Judicial Conduct						Biennium	
		2022		2023		2023			
Priority	Item	GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	New Legal Rider Request 702-1	\$100,000	\$100,000	0.0	\$100,000	\$100,000	0.0	\$200,000	\$200,000
2	Additional FTE	\$53,000	\$53,000	15.0	\$53,000	\$53,000	15.0	\$106,000	\$106,000
Total, Exceptional Items Request		\$153,000	\$153,000	15.0	\$153,000	\$153,000	15.0	\$306,000	\$306,000
Method of Financing									
	General Revenue	\$153,000	\$153,000		\$153,000	\$153,000		\$306,000	\$306,000
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
Full Time Equivalent Positions				15.0			15.0		
Number of 100% Federally Funded FTEs									

Agency code: 242	Agency name: State Commission on Judicial Conduct					
Goal/Objective/STRATEGY	Base	Base	Exceptional	Exceptional	Total Request	Total Request
1 Administration and Enforcement						
1 Administration and Enforcement						
1 ADMINISTRATION AND ENFORCEMENT	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
TOTAL, GOAL 1	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
TOTAL, AGENCY STRATEGY REQUEST	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954

Agency code: 242	Agency name: State Commission on Judicial Conduct	Base	Base	Exceptional	Exceptional	Total Request	Total Request
Goal/Objective/STRATEGY		Base	Base	Exceptional	Exceptional	Total Request	Total Request
General Revenue Funds:							
1	General Revenue Fund	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
		\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
	TOTAL, METHOD OF FINANCING	\$1,191,954	\$1,191,954	\$153,000	\$153,000	\$1,344,954	\$1,344,954
	FULL-TIME EQUIVALENT POSITIONS	14.0	14.0	15.0	15.0	29.0	29.0

2.G. Summary of Total Request Objective Outcomes
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 9/11/2020
 Time: 5:34:02PM

Agency code: **242** Agency name: **State Commission on Judicial Conduct**

Goal/ Objective / Outcome

1	Administration and Enforcement								
	1 <i>Administration and Enforcement</i>								
KEY	1 Percentage of Cases Disposed	91.50%	2,002.00%	2,082.00%	92.40%	2,002.00%	2,082.00%	2,002.00%	2,082.00%

242 State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement
 OBJECTIVE: 1 Administration and Enforcement
 STRATEGY: 1 Administration and Enforcement

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
Output Measures:						
1	Number of Cases Pending	806.00	1,205.00	1,176.00	1,292.00	1,409.00
2	Number of Presentations on Judicial Ethics at Conferences and Meetings	20.00	20.00	20.00	20.00	20.00
3	Formal Proceeding, Suspension, or Amicus Curiae Cases	7.00	4.00	7.00	7.00	8.00
4	Cases Requesting Reconsideration Disposed	19.00	20.00	20.00	20.00	20.00
5	Number of Cases Disposed	1,694.00	1,230.00	1,723.00	1,802.00	1,882.00
6	Ethics Calls Taken by Staff	500.00	350.00	500.00	500.00	500.00
Efficiency Measures:						
1	Average Time for Case Resolution	6.06	6.00	5.90	5.70	5.70
2	Average Cost Per Judge Assisted by the Amicus Curiae Program	0.00	0.00	0.00	0.00	0.00
Explanatory/Input Measures:						
1	Number of Cases Filed	1,849.00	1,585.00	2,020.00	2,081.00	2,143.00
2	Number of Post-sanction Appeals	3.00	2.00	4.00	8.00	10.00
3	Amicus Curiae Assistance	0.00	0.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$920,586	\$894,083	\$1,051,985	\$1,000,000	\$1,000,000

242 State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement
 OBJECTIVE: 1 Administration and Enforcement
 STRATEGY: 1 Administration and Enforcement

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1002	OTHER PERSONNEL COSTS	\$103,745	\$21,030	\$24,931	\$24,931	\$24,931
2001	PROFESSIONAL FEES AND SERVICES	\$20,687	\$6,809	\$103,900	\$5,000	\$5,000
2003	CONSUMABLE SUPPLIES	\$3,141	\$2,600	\$5,500	\$3,000	\$3,000
2004	UTILITIES	\$936	\$775	\$1,200	\$1,320	\$1,320
2005	TRAVEL	\$85,060	\$53,486	\$80,000	\$80,000	\$80,000
2006	RENT - BUILDING	\$3,576	\$2,872	\$2,600	\$3,620	\$3,620
2007	RENT - MACHINE AND OTHER	\$1,716	\$1,573	\$2,600	\$2,000	\$2,000
2009	OTHER OPERATING EXPENSE	\$51,499	\$41,429	\$86,535	\$72,083	\$72,083
	TOTAL, OBJECT OF EXPENSE	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954

Method of Financing:

1	General Revenue Fund	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
	SUBTOTAL, MOF (GENERAL REVENUE FUNDS)	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954

TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)

TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)

FULL TIME EQUIVALENT POSITIONS:

		14.0	14.0	14.0	14.0	14.0
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242 State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement
 OBJECTIVE: 1 Administration and Enforcement
 STRATEGY: 1 Administration and Enforcement

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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STRATEGY DESCRIPTION AND JUSTIFICATION:

The SCJC promotes public confidence in the integrity, independence, and impartiality of the judiciary while encouraging judges to maintain high ethical standards of conduct on and off the bench. The agency investigates allegations of judicial misconduct or disability, and takes appropriate action, including sanction, education, or the filing of formal proceedings that could result in the judge's censure or removal from office.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Funding to enable the agency to conduct at least six meetings per year, to handle its current and forecast caseloads, and to retain current experienced staff are key factors in the agency's ability to meet its key performance measure.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

STRATEGY BIENNIAL TOTAL - ALL FUNDS	BIENNIAL CHANGE	EXPLANATION OF BIENNIAL CHANGE
Base Spending (Est 2020 + Bud 2021)	Base Spending Request (BL 2022 + BL 2023)	\$ Amount
\$2,383,908	\$0	Explanation(s) of Amount (must specify MOFs and FTEs)
		Total of Explanation of Biennial Change
		\$0

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,191,954	\$1,191,954
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,190,946	\$1,024,657	\$1,359,251	\$1,191,954	\$1,191,954
FULL TIME EQUIVALENT POSITIONS:	14.0	14.0	14.0	14.0	14.0

4.A. Exceptional Item Request Schedule

DATE: 9/11/2020
TIME: 5:34:03PM

87th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 242

Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION	Exp 2022	Exp 2023
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Item Name: Outside Legal Expenses
 Item Priority: 1
 IT Component: No
 Anticipated Out-year Costs: Yes
 Involve Contracts > \$50,000: No
 Includes Funding for the Following Strategy or Strategies: 01-01-01 Administration and Enforcement

OBJECTS OF EXPENSE:

2001 PROFESSIONAL FEES AND SERVICES

100,000	100,000
\$100,000	\$100,000

TOTAL, OBJECT OF EXPENSE

METHOD OF FINANCING:

1 General Revenue Fund

100,000	100,000
\$100,000	\$100,000

TOTAL, METHOD OF FINANCING

DESCRIPTION / JUSTIFICATION:

Due to the frequency of external proceedings, the Agency is requesting special funding to cover the costs of litigation and the work of outside counsel in the defense of the pending lawsuits, both of which the OAG has declined representation, and to address the external litigation costs related to reviews of the agency's decisions in judicial discipline cases via Special Court of Review i.e. court reporters fees, subpoena fees, witness fees (expert and fact witnesses) and service of process fees.

EXTERNAL/INTERNAL FACTORS:

External factors are the increased occurrence of lawsuits being initiated against the Commission in their official capacity, and the frequently with which the Attorney General has declined representation in defense of those lawsuits.

PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

This Rider would only be used if the agency incurs external litigation cost.

4.A. Exceptional Item Request Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:03PM

Agency code: 242

Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION	Excp 2022	Excp 2023
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ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2024	2025	2026
\$100,000	\$100,000	\$100,000

4.A. Exceptional Item Request Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:03PM

Agency code: 242 Agency name: State Commission on Judicial Conduct

CODE DESCRIPTION Excp 2022 Excp 2023

CODE	DESCRIPTION	Excp 2022	Excp 2023
	Item Name: Additional FTE Item Priority: 2 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Administration and Enforcement		
	OBJECTS OF EXPENSE:		
1001	SALARIES AND WAGES	50,000	50,000
1002	OTHER PERSONNEL COSTS	1,500	1,500
2009	OTHER OPERATING EXPENSE	1,500	1,500
	TOTAL, OBJECT OF EXPENSE	\$53,000	\$53,000

METHOD OF FINANCING:	
1	General Revenue Fund
	TOTAL, METHOD OF FINANCING
	53,000 53,000
	\$53,000 \$53,000
	15.00 15.00

DESCRIPTION / JUSTIFICATION:
 The expected effect of this additional position is to increase the Agency's capacity to dispose of approximately 200 cases/year. This would likely ensure that the would be able to resolve at least as many complaints as it receives in a given year, even with expected increased filings, and may provide the Agency the ability to reduce the backlog of complaints that have been developing since FY2015. Further, as this position would entail an additional responsibility with respect to conducting a regular and standard review of social media conduct of which the Commission is authorized to initiate a complaint on its own motion, it will alleviate the responsibility from other investigators from spending time on those social media cases and enable them to focus on case dispositions with respect to actual filed complaints.

EXTERNAL/INTERNAL FACTORS:
 External factors include increased number of complaints received each year, as well as the number of social media misconduct cases that are initiated by the Commission on its own motion, which leads to an increased backlog of pending cases. Internal factors include inter-agency reorganizations which combined the Deputy Director position with the Deputy General Counsel position in order to reach the request 5% budget reduction for FY 20-21.
PCLS TRACKING KEY:

4.A. Exceptional Item Request Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:03PM

Agency code: 242

Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION	Excp 2022	Excp 2023
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DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

This is a request for an additional FTE.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

	2024	2025	2026
	\$53,000	\$53,000	\$53,000

4.B. Exceptional Items Strategy Allocation Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:03PM

Agency code: **242** Agency name: **State Commission on Judicial Conduct**

Code	Description	Excp 2022	Excp 2023
Item Name:	Outside Legal Expenses		
Allocation to Strategy:	1-1-1 Administration and Enforcement		
STRATEGY IMPACT ON OUTCOME MEASURES:		1,802.00%	1,882.00%
OUTPUT MEASURES:	1 Number of Cases Disposed		
EFFICIENCY MEASURES:	1 Number of Cases Pending	1,092.00	1,209.00
EXPLANATORY/INPUT MEASURES:	1 Average Time for Case Resolution	5.00	4.80
OBJECTS OF EXPENSE:	1 Number of Cases Filed	2,081.00	2,143.00
TOTAL, OBJECT OF EXPENSE	2001 PROFESSIONAL FEES AND SERVICES	100,000	100,000
		\$100,000	\$100,000
METHOD OF FINANCING:	1 General Revenue Fund	100,000	100,000
TOTAL, METHOD OF FINANCING		\$100,000	\$100,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

4.B. Exceptional Items Strategy Allocation Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:03PM

Agency code: **242** Agency name: **State Commission on Judicial Conduct**

Code	Description	Excp 2022	Excp 2023
Item Name:	Additional FTE		
Allocation to Strategy:	1-1-1 Administration and Enforcement		
STRATEGY IMPACT ON OUTCOME MEASURES:			
OUTPUT MEASURES:	1 Percentage of Cases Disposed	2,002.00%	1,682.00%
	1 Number of Cases Pending	1,092.00	1,209.00
EFFICIENCY MEASURES:			
	1 Average Time for Case Resolution	5.20	4.70
EXPLANATORY/INPUT MEASURES:			
	1 Number of Cases Filed	2,239.00	2,446.00
OBJECTS OF EXPENSE:			
	1001 SALARIES AND WAGES	50,000	50,000
	1002 OTHER PERSONNEL COSTS	1,500	1,500
	2009 OTHER OPERATING EXPENSE	1,500	1,500
TOTAL, OBJECT OF EXPENSE		\$53,000	\$53,000
METHOD OF FINANCING:			
	1 General Revenue Fund	53,000	53,000
TOTAL, METHOD OF FINANCING		\$53,000	\$53,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		15.0	15.0

4.C. Exceptional Items Strategy Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
 TIME: 5:34:04PM

Agency Code: 242 Agency name: State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement
 OBJECTIVE: 1 Administration and Enforcement
 STRATEGY: 1 Administration and Enforcement

Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Excp 2022	Excp 2023
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STRATEGY IMPACT ON OUTCOME MEASURES:

1 Percentage of Cases Disposed	2,002.00 %	2,082.00 %
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OUTPUT MEASURES:

1 Number of Cases Pending	1,092.00	1,009.00
5 Number of Cases Disposed	2,002.00	2,082.00

EFFICIENCY MEASURES:

1 Average Time for Case Resolution	4.90	4.50
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	50,000	50,000
1002 OTHER PERSONNEL COSTS	1,500	1,500
2001 PROFESSIONAL FEES AND SERVICES	100,000	100,000
2009 OTHER OPERATING EXPENSE	1,500	1,500
Total, Objects of Expense	\$153,000	\$153,000

METHOD OF FINANCING:

1 General Revenue Fund	153,000	153,000
Total, Method of Finance	\$153,000	\$153,000

FULL-TIME EQUIVALENT POSITIONS (FTE):

15.0	15.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Outside Legal Expenses
 Additional FTE

4.C. Exceptional Items Strategy Request
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/11/2020
TIME: 5:34:04PM

Agency Code: **242** Agency name: **State Commission on Judicial Conduct**

GOAL: 1 Administration and Enforcement

OBJECTIVE: 1 Administration and Enforcement

STRATEGY: 1 Administration and Enforcement

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION

Excp 2022

Excp 2023

6.A. Historically Underutilized Business Supporting Schedule
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 9/11/2020
 Time: 5:34:04PM

Agency Code: 242 Agency: State Commission on Judicial Conduct

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2018			HUB Expenditures FY 2019			Total Expenditures FY 2019
		% Goal	% Actual	Diff	Actual \$	% Actual	Diff	
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	0.0%	0.0%	\$0
26.0%	Other Services	26.0 %	40.8%	14.8%	\$14,100	23.3%	-2.7%	\$5,537
21.1%	Commodities	21.1 %	5.9%	-15.2%	\$1,661	18.7%	-2.4%	\$1,490
	Total Expenditures		23.4%		\$15,761	22.1%		\$7,027
								\$31,761

B. Assessment of Fiscal Year - Efforts to Meet HUB Procurement Goals

Attainment:

The State Commission on Judicial Conduct strives to meet our HUB goals each year. We were able to meet our HUB goals for Other Services in FY18.

Applicability:

The Heavy Construction, Building Construction, and Special Trade categories are not applicable to our agency.

Factors Affecting Attainment:

The agency was unable to obtain HUB vendors for Professional Services in FY18, for Other Services in FY19, and Commodity purchases in both FY18 and FY19. Our agency most substantial purchases included outside legal counsel, consultant services for our computer software obtained through a DIR contract, proprietary software licenses and database access fees.

"Good-Faith" Efforts:

The State Commission on Judicial Conduct has made "good faith" efforts to consider HUB vendors in our purchases and will continue to do so.

Agency code: 242 Agency name: State Commission on Judicial Conduct

Strategy		Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1-1-1	Administration and Enforcement					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	\$127,580	\$124,000	\$129,250	\$129,250	\$129,250
1002	OTHER PERSONNEL COSTS	3,827	3,720	3,878	3,878	3,878
2001	PROFESSIONAL FEES AND SERVICES	1,300	1,300	1,300	1,300	1,300
2003	CONSUMABLE SUPPLIES	500	500	500	500	500
2007	RENT - MACHINE AND OTHER	300	300	300	300	300
2009	OTHER OPERATING EXPENSE	1,000	1,000	1,000	1,000	1,000
Total, Objects of Expense		\$134,507	\$130,820	\$136,228	\$136,228	\$136,228

METHOD OF FINANCING:

1	General Revenue Fund	134,507	130,820	136,228	136,228	136,228
Total, Method of Financing		\$134,507	\$130,820	\$136,228	\$136,228	\$136,228

FULL-TIME-EQUIVALENT POSITIONS (FTE):

		1.6	1.6	1.6	1.6	1.6
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DESCRIPTION

The Administrative and Support cost in this strategy are related to the percentage of salaries and related operating costs of agency personnel performing administrative functions .

Percentages for Direct Administration are:

- Executive Director: 50%
- General Counsel: 10%
- Staff Services Officer: 100%
- Office Manager: 5%

7.B. Direct Administrative and Support Costs
 87th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency name: State Commission on Judicial Conduct

Agency code: 242

BL 2022 BL 2023

Bud 2021

Est 2020

Exp 2019

GRAND TOTALS

Objects of Expense

1001 SALARIES AND WAGES	\$127,580	\$124,000	\$129,250	\$129,250	\$129,250
1002 OTHER PERSONNEL COSTS	\$3,827	\$3,720	\$3,878	\$3,878	\$3,878
2001 PROFESSIONAL FEES AND SERVICES	\$1,300	\$1,300	\$1,300	\$1,300	\$1,300
2003 CONSUMABLE SUPPLIES	\$500	\$500	\$500	\$500	\$500
2007 RENT - MACHINE AND OTHER	\$300	\$300	\$300	\$300	\$300
2009 OTHER OPERATING EXPENSE	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Total, Objects of Expense	\$134,507	\$130,820	\$136,228	\$136,228	\$136,228

Method of Financing

1 General Revenue Fund	\$134,507	\$130,820	\$136,228	\$136,228	\$136,228
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Total, Method of Financing

	\$134,507	\$130,820	\$136,228	\$136,228	\$136,228
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Full-Time-Equivalent Positions (FTE)

	1.6	1.6	1.6	1.6	1.6
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