

ANNUAL REPORT 2022

STATE COMMISSION ON JUDICIAL CONDUCT



STATE COMMISSION ON JUDICIAL CONDUCT

COMMISSION MEMBERS

David Schenck, Chair

Janis Holt, Vice-Chair

Frederick C. Tate, Secretary

David C. Hall

David M. Patronella

Sujeeth B. Draksharam

Ronald E. Bunch

Valerie Ertz

M. Patrick Maguire

Clifton Roberson

Lucy M. Hebron

Gary L. Steel

Kathy P. Ward

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COMMISSIONER INFORMATION

OFFICERS

CHAIR

Hon. David Schenck

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

VICE-CHAIR

Hon. Janis Holt

Public Member, Silsbee
Appointed by Governor
Term Expires: 11/19/2025

SECRETARY

Hon. Frederick C. Tate

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

MEMBERS

Hon. David C. Hall

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

Hon. M. Patrick Maguire

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

Hon. David M. Patronella

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

Hon. Clifton Roberson

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

Hon. Sujeeth B. Draksharam

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

Hon. Lucy M. Hebron

County Judge, Quitman
Appointed by Texas Supreme Court
Term Expires: 11/19/2023

Hon. Ronald E. Bunch

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

Hon. Gary L. Steel

District Judge, Seguin
Appointed by Texas Supreme Court
Term Expires: 11/19/2023

Hon. Valerie Ertz

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

Hon. Kathy P. Ward

Public Member, Plano
Appointed by Governor
Term Expires: 11/19/2027

STATE COMMISSION ON JUDICIAL CONDUCT

COMMISSION STAFF

Jacqueline Habersham, Executive Director

Zindia Thomas, General Counsel

Ron Bennett, Chief Investigator

Lorin Hayes, Senior Commission Counsel

Phil Robertson, Commission Counsel

Katherine Mitchell, Senior Investigator

Cherie Thomas, Commission Investigator

Crystal Lopez, Commission Investigator

Elizabeth Trevino, Commission Investigator

Kathryn Crabtree, Staff Services Officer

Connie Paredes, Administrative Assistant

Patricia Leal, Administrative Assistant

Statement of the Chairperson

The Texas Commission on Judicial Conduct is an arm of the judicial branch tasked with receiving and investigating allegations of ethical misconduct against judges across the State and, when appropriate, administering discipline. The 13 Commissioners have a Constitutional mandate to maintain confidences relative to the agency's private counseling function and openness with respect to its public deterrent role.

Fiscal year 2022 presented considerable challenges to Commission operation in the wake of the cyber-attack, continuing disruptions associated with the COVID-19 pandemic, and legislation pointing the Commission to streamline and better track its operations. Nevertheless, the Commission and its staff undertook extraordinary efforts to manage its existing caseload and to implement new internal guidelines in keeping with its constitutional and legislative structure. Throughout the year, the Commission pursued a new approach to its usual bi-monthly meeting schedule by adding in each intervening month additional meetings via videoconference. While this additional scheduling – combined with a redoubling of effort to resolve cases in an efficient manner – presented a heavy burden on our volunteer Commission and staff alike, it has yielded unprecedented progress in merits dispositions. Coming into the fiscal year, the Commission carried 1040 pending matters. It ended the year with 522.

The Commission has also striven to align its operations with legislative and public expectations regarding the duration of its proceedings. Its new operating guidelines will streamline routine and serious matters that are not as likely to benefit from multiple visits through the Commission prior to affording the judge an opportunity to be heard and a decision to be made. Commission staff continue to preliminarily review all matters brought to Commission and to make such further factual investigation of those requiring development. In other matters principally involving legal judgment in the application of the canons or that otherwise appear capable of decision on existing facts, the Commission gives notice and an opportunity to judge to appear prior to deciding whether to pursue further action, including any informal sanction or other disposition.

Even with these important revisions, the Commission's recent high level of productivity is not likely to be sustainable given current staffing levels. Our Commission oversees far more judges than its counterparts in other large states, and yet it operates with a fraction of the authorized staff.

Finally, the Commission also conducted a public meeting and received testimony as required by law. Those members of the public who appeared expressed concern and skepticism over the efficacy of the existing judicial oversight mechanisms, particularly those applicable to the state's family courts. Those testifying proposed, among other legislative reforms, that video cameras be installed to provide confirmation of court proceedings and to avoid needless controversy.

The Commission continues to strive to serve the needs of the judiciary and the public in promoting confidence in its operations and will continue to quietly and deliberately work to assure the public that the judiciary will be governed by and held accountable to the rule of law.

Hon. David Schenck, Chairman
State Commission on Judicial Conduct

Hon. Gary Steel, 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 the both Commission and its employees strive to conduct themselves in a similar manner.

OVERVIEW OF THE COMMISSION

Authority of the Commission

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

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

Members of the Commission

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

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

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

Laws Governing the Commission

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

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

Defining Judicial Misconduct

Article V, Section 1-a(6)A of the Texas Constitution defines judicial misconduct as the “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of [the judge’s] duties or casts public discredit upon the judiciary or administration of justice.”

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

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

Sources of Complaints and Allegations

The Commission considers allegations from any source, including an individual, a news article, or information obtained during an investigation. There is no requirement that a person who files a complaint be the target or victim of the alleged misconduct, nor does the Commission require a complainant to have firsthand knowledge of the alleged misconduct. The Commission has the right to initiate complaints from anonymous reports, and 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 2022, 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 formal proceedings.

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

Outreach and Education

In fiscal year 2022, 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 2022, the Executive Director and staff attorneys responded to more than 300 inquiries from judges, judicial candidates, attorneys, legislators, the media and citizens regarding judicial ethics. Callers are informed that Commission staff cannot issue an opinion on behalf of the

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

Commission Website

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. Additionally, the website provides downloadable pdfs of public sanctions issued to judges, private sanction summaries, as well as opinions issued by Special Courts of Review when a judge appeals a Commission sanction.

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 2022.

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 not accepted.

Complaint forms are available from the following sources:

- Download from the Commission's website at <http://www.scjc.texas.gov/complaints/>
- Telephone requests to the Commission at (512) 463-5533 or toll free at (877) 228-5750

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

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

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

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

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

Commission Decisions

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

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

1. Administrative Dismissal Report ("ADR")

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

2. Dismissal

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

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

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.²

Appellate Review of Commission Action

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

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

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

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

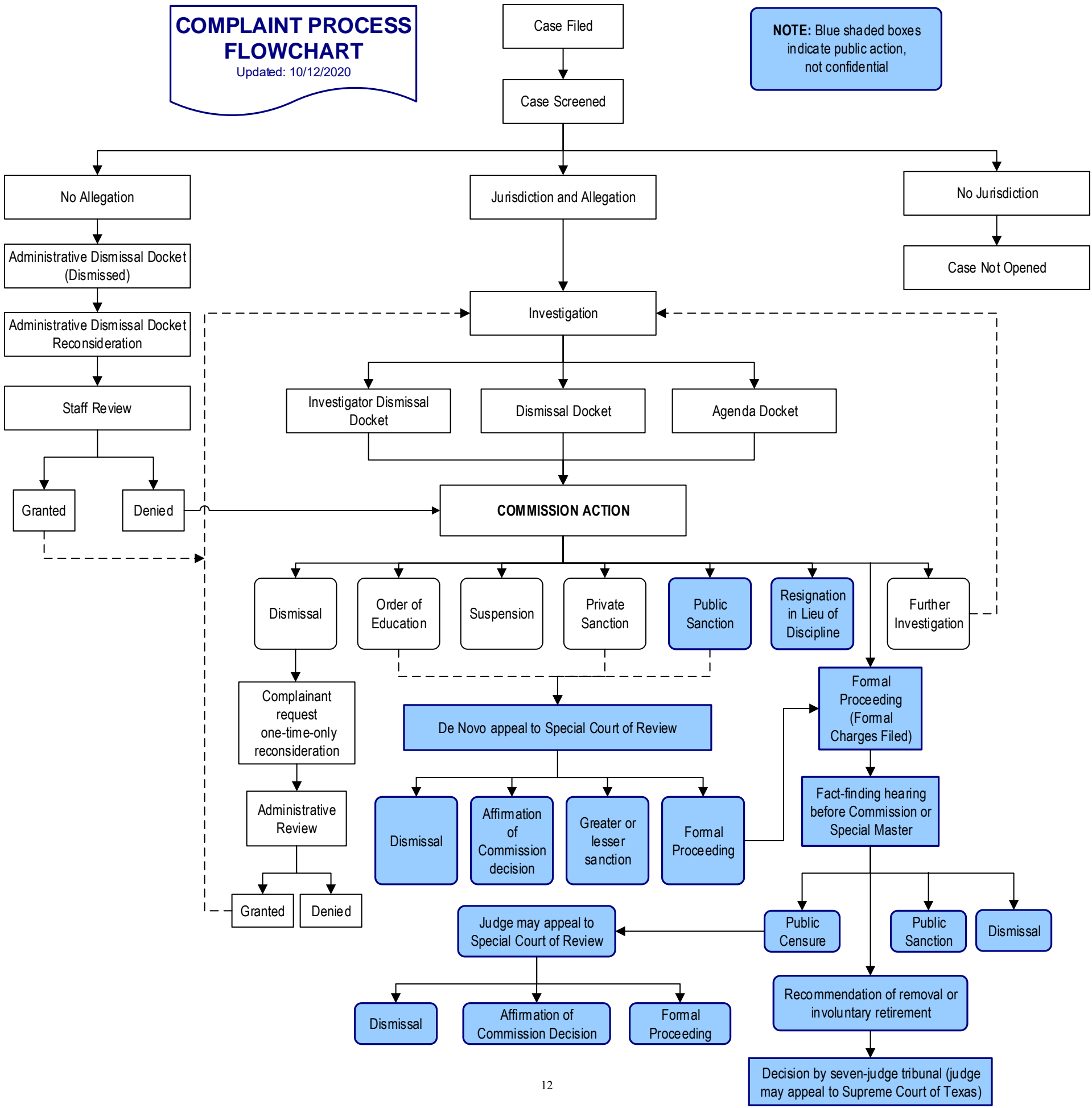
² In 2009, Section 33.034 of the Texas Government Code was amended to provide judges the right to appeal a public censure issued by the Commission following a formal proceeding. In 2013, Section 33.034 was amended further to provide the right to appeal a public reprimand, warning, or admonition issued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

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

COMPLAINT PROCESS FLOWCHART

Updated: 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 2022 is shown in **Table 1** immediately following this section. **Tables 2** details the complaint dispositions of complaints in fiscal year 2022, 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 3,755 judges were under the jurisdiction of the Commission in fiscal year 2022, nearly 9% less than fiscal year 2021 (4,116.)

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 2022.

The Commission disposed of 78 cases through public sanction, private sanction, orders of additional education or a combination of a sanction with an order of additional education. 2 cases were resolved by a voluntary agreement to resign from judicial office. The Commission issued 6 orders of suspension and instituted formal proceedings against 2 judges in fiscal year 2022. Additionally, 9 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. During fiscal year 2022, the Commission resolved a record number of cases, **2,229**.

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 2,229 cases closed in fiscal year 2022, 78 were dismissed with language advising the judge about technical or *de minimus* violations, or violations of aspirational canons, and cautioning the judge to avoid similar conduct in the future. Additionally, 5 cases were dismissed after the judges demonstrated that he or she took appropriate measures to correct conduct that resulted in an investigation. Approximately 58% of the cases closed in fiscal year 2022 alleged no judicial misconduct. The percentage (31%) of cases closed following a preliminary investigation increased in 2022 relative to 2021 (28%). Additionally, the percentage (13%) of full investigations requiring a response from the judge increased in fiscal year 2022 relative to 2021 by 2%. 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**.

In compliance with Section 33.005 of the Texas Government Code, the chart on **Table 2** provides a breakdown of the dispositions of the 2,229 cases closed during fiscal year 2022, 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 2022.

In fiscal year 2022, the Commission addressed eleven appeals of its sanctions through the Special Court of Review process set forth in Section 33.034 of the Texas Government Code. Of the eleven Special Courts of Review addressed during fiscal year 2022:

- Two were instituted in fiscal year 2020, but one was withdrawn before the final hearing was held (thereby reinstating the Commission’s sanction,) and the other one remains pending with the Special Court of Review into fiscal year 2023.
- Four were instituted in fiscal year 2021 which:
 - In two, a Special Court of Review vacated a Public Admonition issued by the Commission and dismissed the complaints against the subject judges;
 - In one, a Special Court of Review vacated a Public Admonition and Order of Additional Education and a Private Warning and Order of Additional Education and dismissed the complaints against the subject judge; and
 - 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.
- In one, a Special Court of Review affirmed the Commission’s issuance of a Public Reprimand, but set aside the Order of Additional Education.
- In one, a Special Court of Review vacated a Public Warning issued by the Commission and dismissed the complaint against the subject judge.
- In one, a Special Court of Review vacated a Public Admonition issued by the Commission and dismissed the complaint against the subject judge.
- One was withdrawn before the final hearing was held (thereby reinstating the Commission’s sanction.)
- One other appeal instituted in fiscal year 2022 remains pending with Special Courts of Review into fiscal year 2023.

During fiscal year 2022, the Commission referred 9 complaints against judges (7 complaints against 1 judge, and 2 complaints against another judge) to law enforcement. At the end of fiscal year 2022, the Commission had 169 open cases which were pending for a year or more, in which no tentative sanction had been issued, a 40% decrease.

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 2022, 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.

Table 1 - Commission Activity Report

Item	FY 2019	FY 2020	FY 2021	FY 2022
Cases Pending (Beginning FY/Current)	768/806	806/1067	1067/1040	1099/575
Cases Filed	1848	1518	1724	1764
Total Number of Cases Disposed	1694	1240	1656	2229
% of Cases Disposed/Filed	91.67%	81.69%	96.06%	126.36%
Average Age of Case Disposed (in months)	5.99	6.28	7.62	8.02
Disciplinary Action (total)¹	81	64	94	122
Cases Disposed through:				
Criminal Conviction ²	1	0	7	2
Review Tribunal Order	0	0	0	0
Special Court of Review Order	0	8	3	9
Voluntary Agreement to Resign in Lieu of Disciplinary Action	4	1	8	2
Public Sanction				
Censure	0	0	0	0
Reprimand	2	2	1	10
Reprimand and Order of Add'l Education	3	0	3	5
Warning	24	5	21	10
Warning and Order of Add'l Education	5	1	15	0
Admonition	15	8	10	12
Admonition and Order of Add'l Education	1	4	6	3
Order of Add'l Education	0	0	0	0
Private Sanction				
Reprimand	4	4	1	0
Reprimand and Order of Add'l Education	3	0	3	2
Warning	6	25	5	6
Warning and Order of Add'l Education	4	3	8	12
Admonition	2	2	5	7
Admonition and Order of Add'l Education	1	5	2	7
Order of Add'l Education	0	0	3	4
Interim Disciplinary Action (total)				
Order of Suspension [15(a)]	4	1	1	6
Recommendation of Suspension to Supreme Court [15(b)]	0	0	0	1
Cases in Formal Proceedings	3	3	1	24 ³
Dismissals (ADRs)⁴	1624 (880)	1180 (763)	1573 (1022)	2151 (1239)
Requests for Reconsideration Received	46	19	37	68
Reconsideration Granted/Denied	2/44	01/18	1/36	2/66
Pending	0	0	0	0
Cases Appealed to Special Court of Review	3	4	8	13
Informal Hearings held	36	15	18	55
Public Statements Issued	0	0	0	0

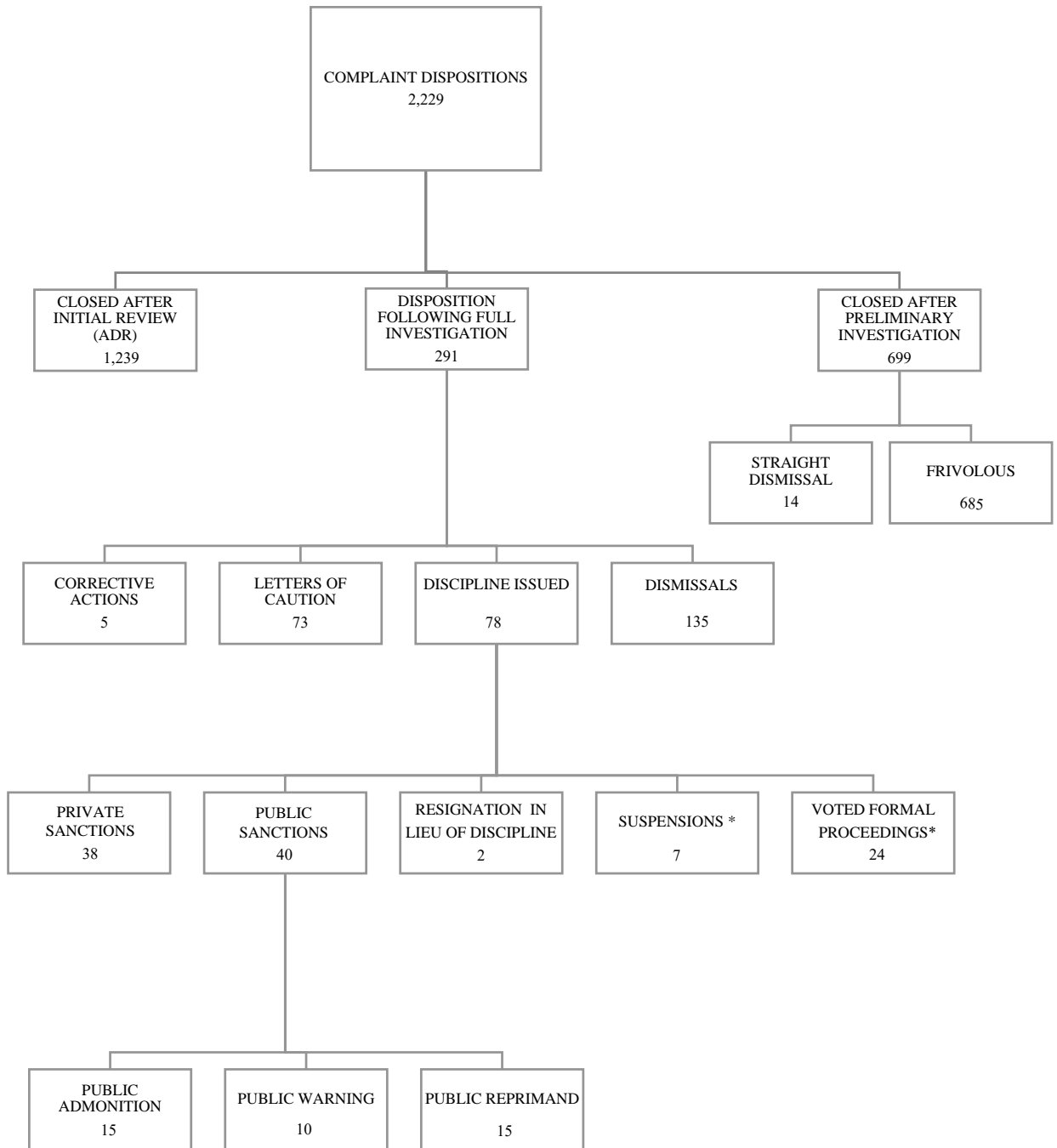
¹ Disciplinary Action includes sanctions, special court of review orders, voluntary agreements to resign in lieu of disciplinary action, orders of suspension, and formal proceedings.

² Cases resolved through criminal convictions are dismissals.

³ 22 of the 24 cases in formal proceedings concern one judge.

⁴ Dismissals include regular dismissals, administrative dismissal reports (ADR), dismiss with letter of caution, dismiss as moot criminal (criminal conviction), dismiss as moot (deceased).

TABLE 2
2022 COMPLAINT
DISPOSITIONS



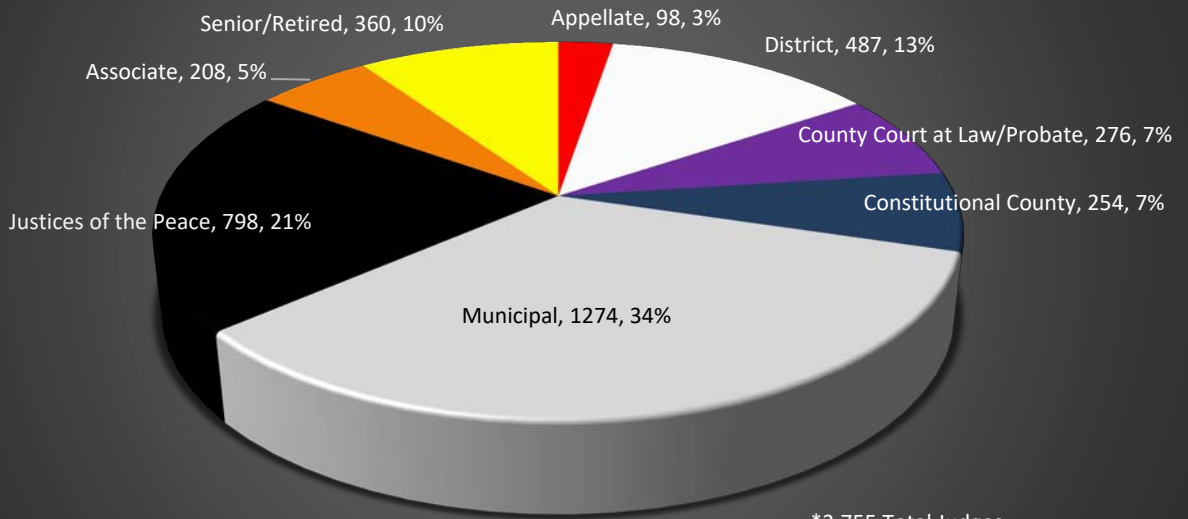
**Not a final disposition.*

**TABLE 3 – TYPES OF CONDUCT RESULTING IN DISCIPLINE IN
FISCAL YEAR 2022**

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.

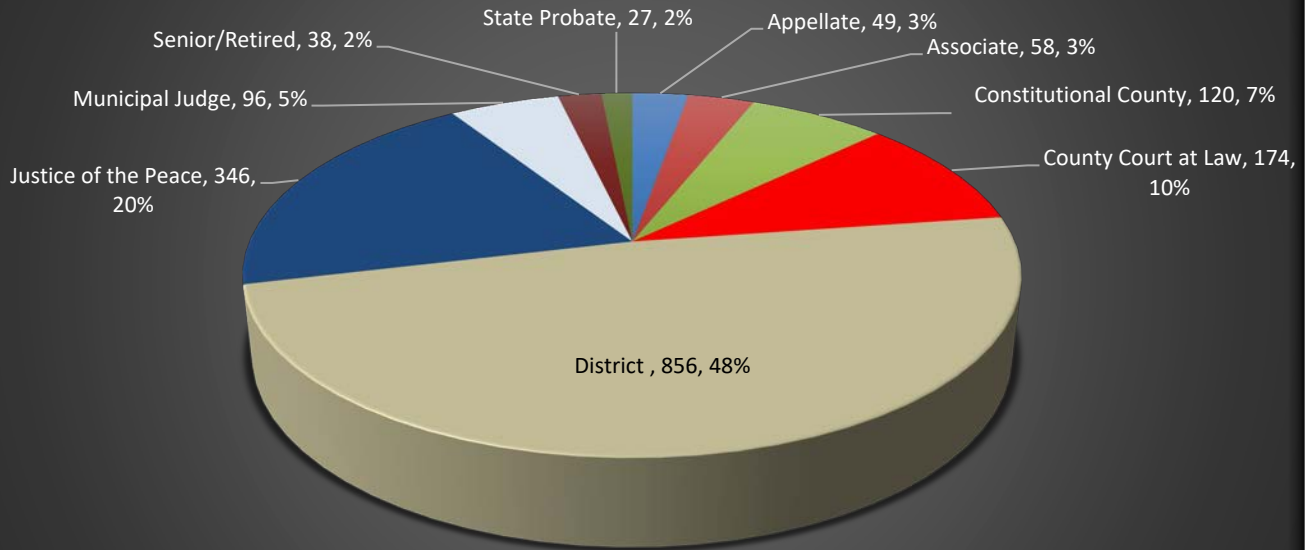
<i>Failed to Comply with Law</i> [22]	<i>Incompetence</i> [16]	<i>Willful or Persistent Conduct Cast Public Discredit upon the Judiciary</i> [15]
<i>Improper Demeanor</i> [14]	<i>Using Prestige of Judicial Office/ Influential Relationship</i> [12]	<i>General Bias/Prejudice</i> [10]
<i>Right to be Heard</i> [6]	<i>Extra-Judicial Conduct (Financial and Nonfinancial) Raised Doubts about Judge's Impartiality/Interfere's with Judicial Activities</i> [5]	<i>Improper Ex Parte Communications</i> [5]
<i>Bias/Prejudice Based on Protected Class</i> [5]	<i>Recusal/Disqualification</i> [3]	<i>Public Comment About a Pending/Impending Matter Before the Court</i> [3]
<i>Failure to Maintain Decorum of the Court</i> [2]	<i>Extra-Judicial Activity Casts Doubt on Impartiality</i> [4]	<i>Authorize Name to Endorse Candidate</i> [2]
<i>Practice of Law When Prohibited</i> [1]	<i>Improper Solicitation of Funds</i> [2]	<i>Failure to File Financial Reports</i> [1]
<i>Political Activity - Pledge/Promise of Conduct in office Regarding Pending/Impending case(s)</i> [1]	<i>Disclosure of Nonpublic Information obtained in Judicial Capacity</i> [1]	<i>Failure to Timely Execute the Business of the Court</i> [1]

Fig. 1 Total Number of Texas Judges*



*3,755 Total Judges
 Source: Texas Office of Court Administration, October 2022

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



*1,764 Total Complaints Filed

Fig. 3 Number of Disciplinary Actions by Judge Type - Fiscal Year 2022*

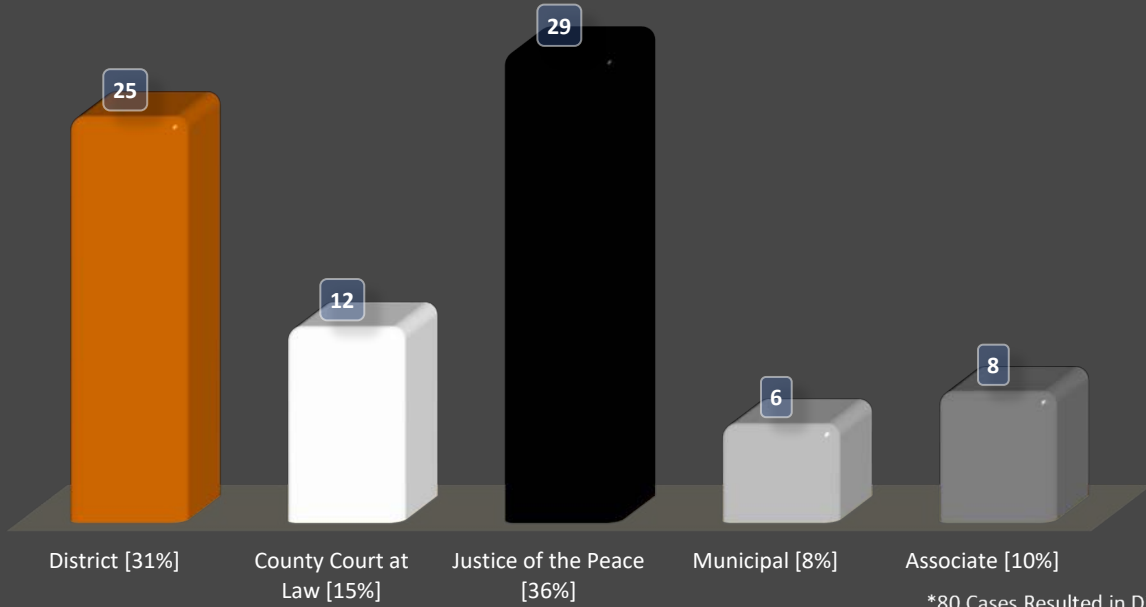


Fig. 4 Number and Percentage of Cases Disposed by Complainant Type*

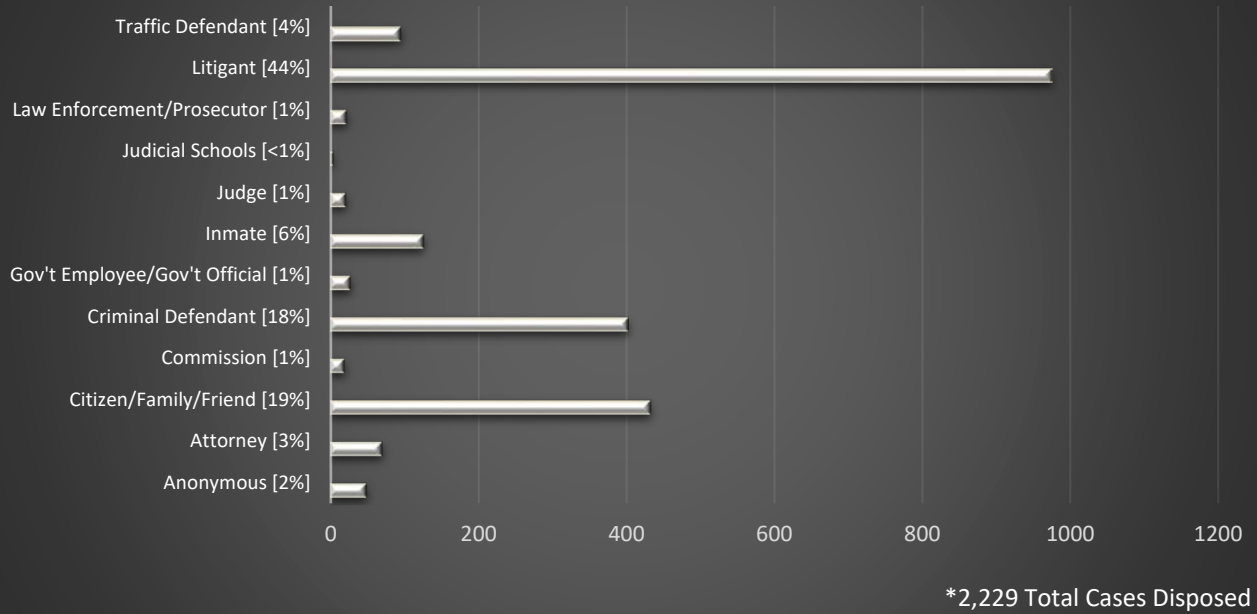


Fig. 5a Cases Filed and Disposed (FY16 - FY22)

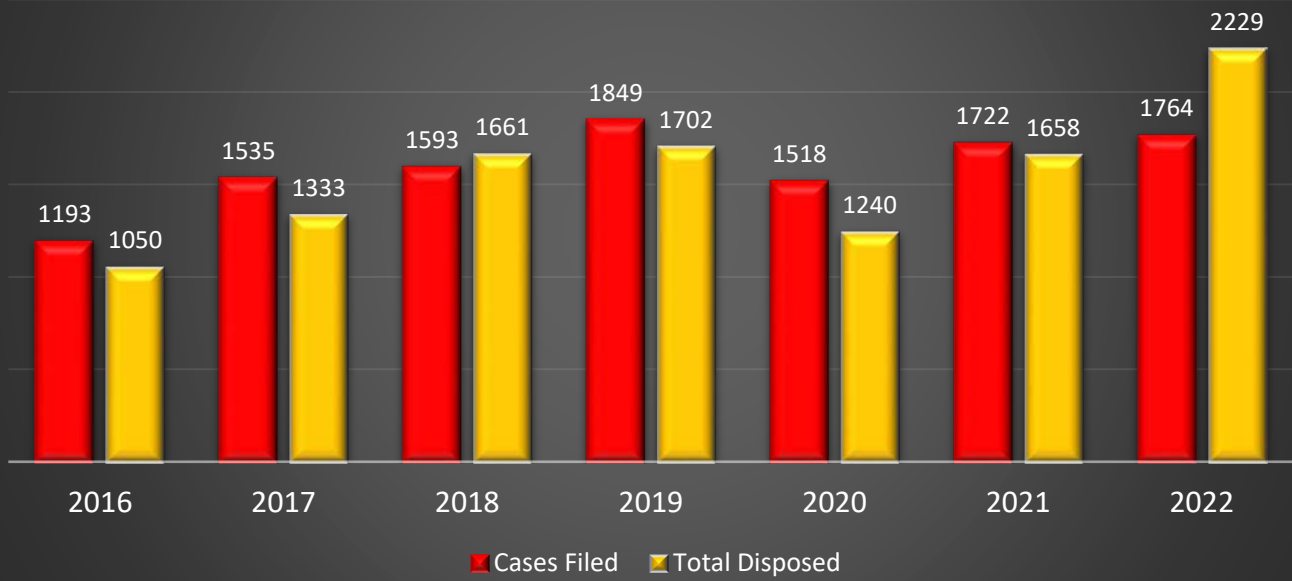
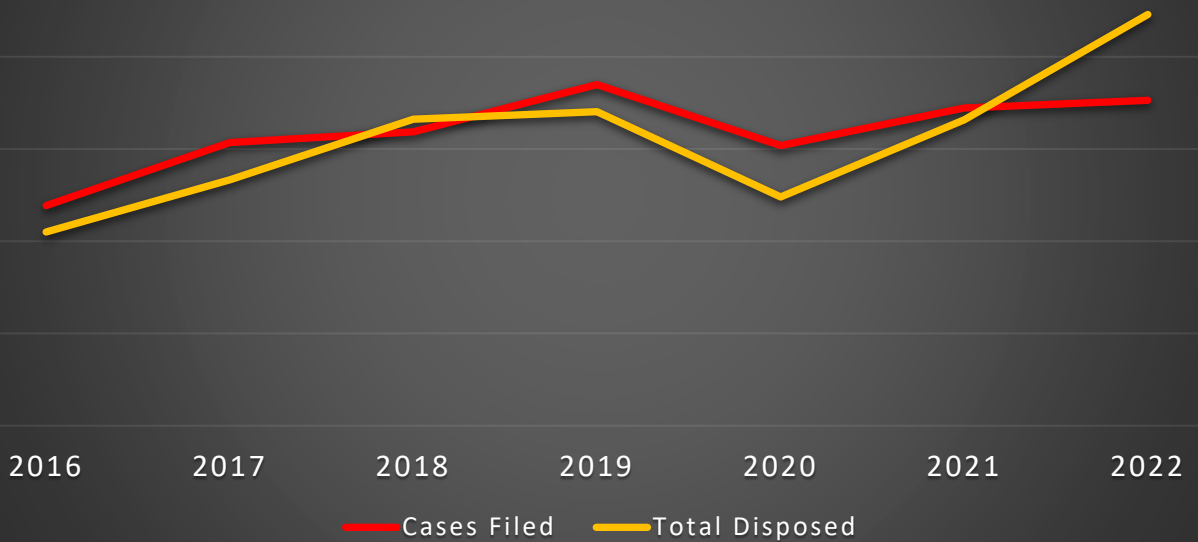


Fig. 5b Cases Filed and Disposed Trend (FY16 - FY22)



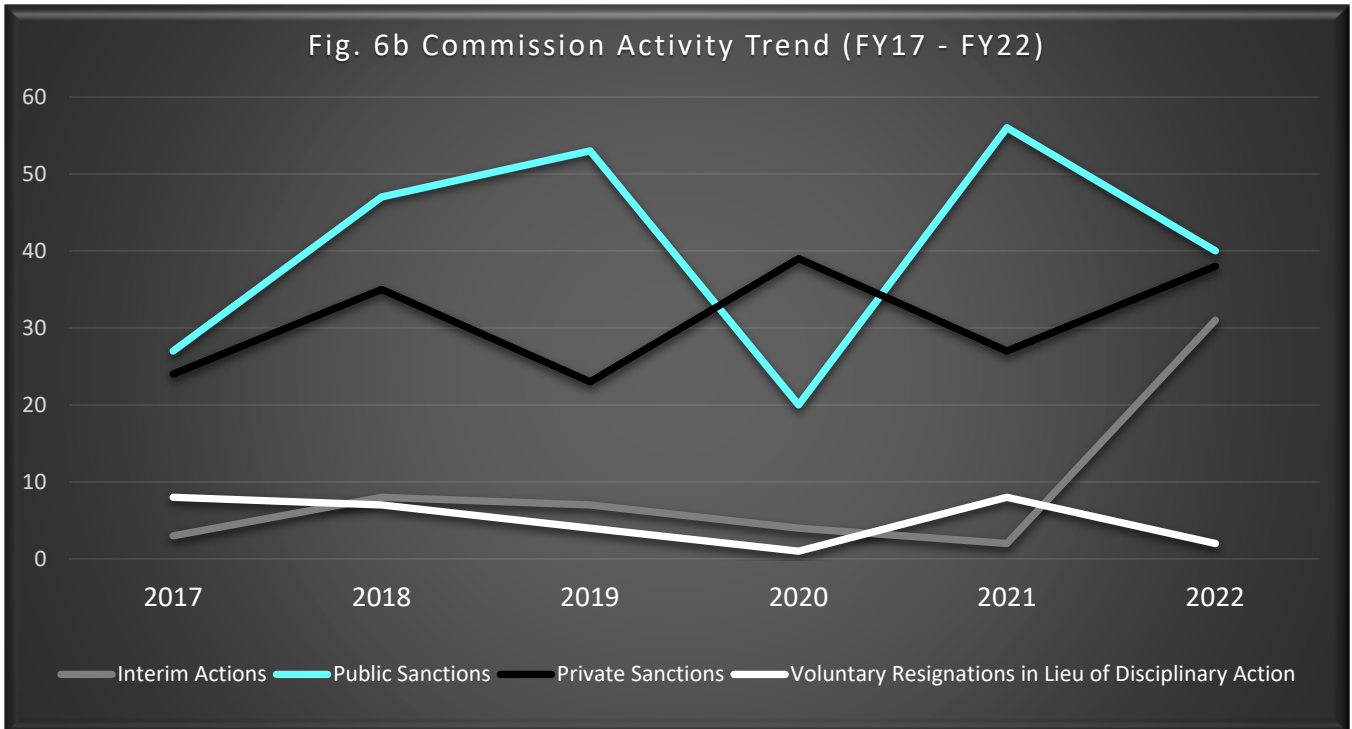
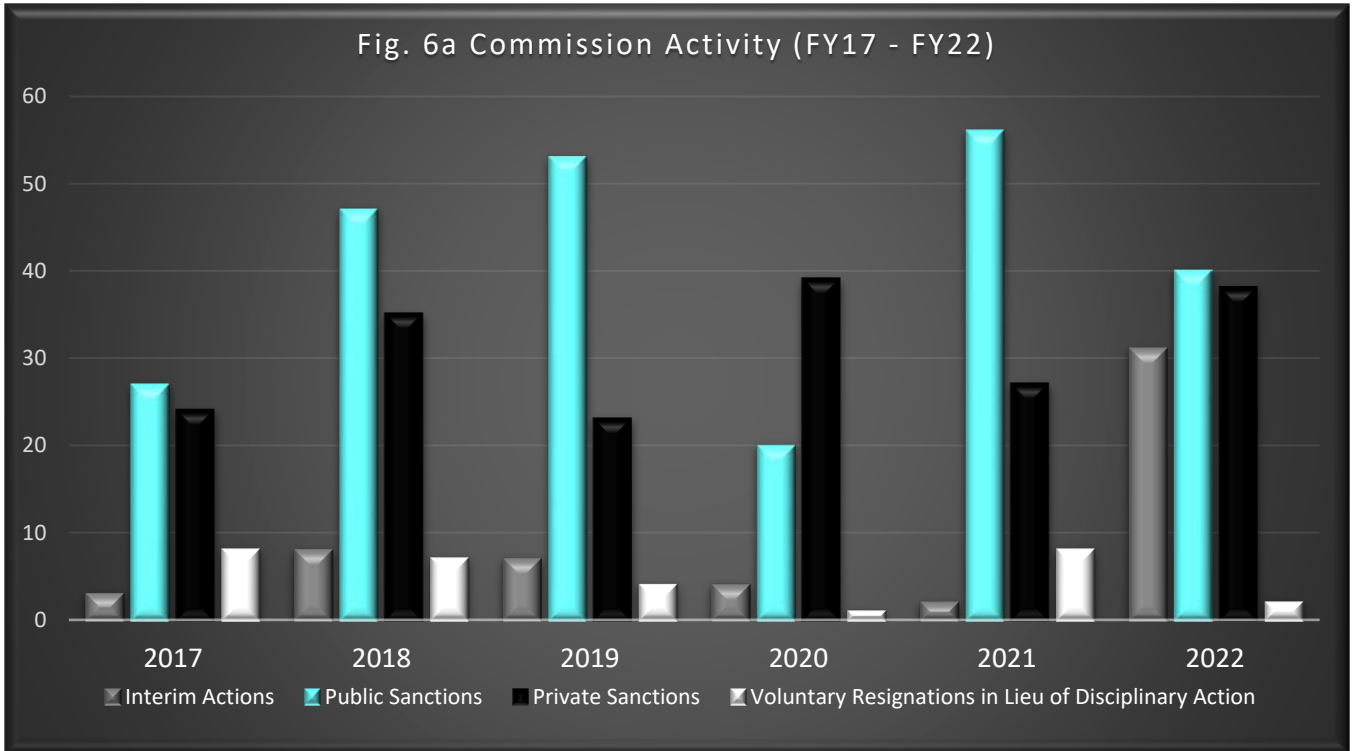


Fig. 7a Comparison of Investigations by Type (FY18 - FY22)

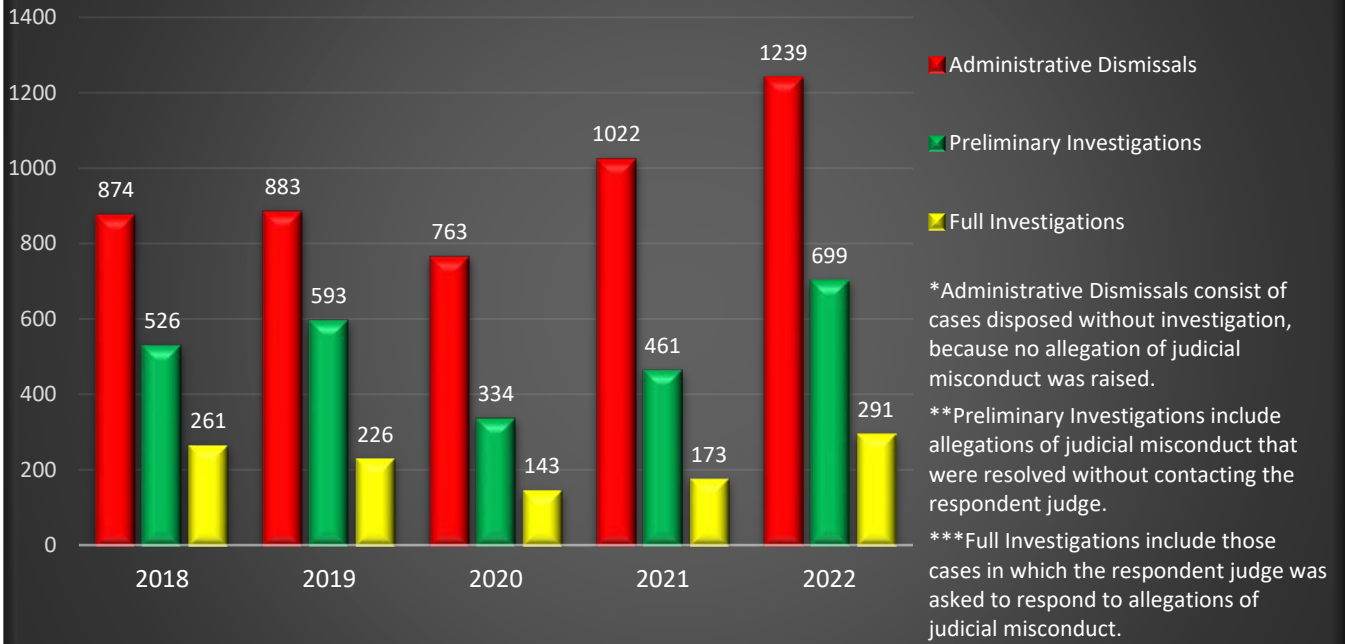
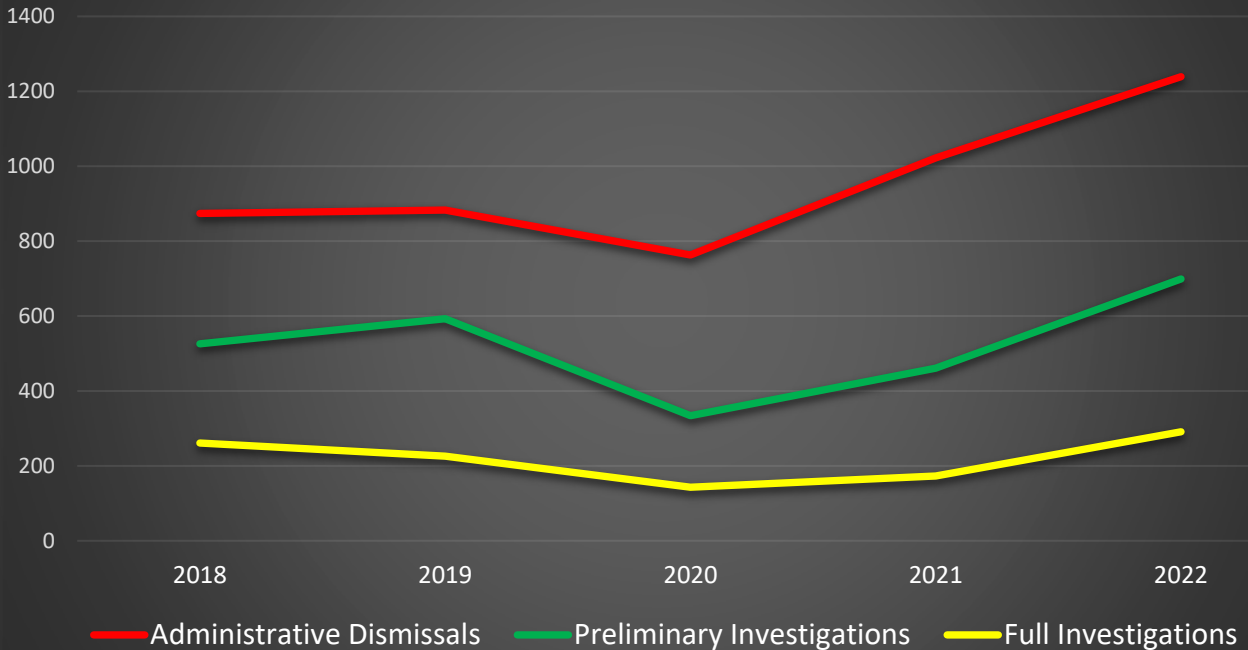


Fig. 7b Comparison of Investigations by Type Trend (FY18 - FY22)



EXAMPLES OF IMPROPER JUDICIAL CONDUCT

The following are examples of judicial misconduct that resulted in disciplinary action by the Commission in fiscal year 2022. These are illustrative examples of misconduct, and do not represent every disciplinary action taken by the Commission in fiscal year 2022. 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 2022. 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, failed to maintain competence in the law, and exhibited bias when the judge failed to recognize the litigant received improper notice of a contempt proceeding in which the litigant faced incarceration; failed to admonish the litigant of the right to counsel, including the right to an appointed counsel if indigent and, as a consequence of those failures, proceeded to trial, finding the litigant in contempt and sentencing the litigant to a term in county jail. [Violations of Canons 2A, 3B(2), 3B(5), 3B(8) of the Texas Code of Judicial Conduct.] *Public Reprimand of a Former District Court Judge.* 10/29/21.
- The judge failed to comply with the law for failing to obtain the required judicial education for the 2019-2020 Academic Year, and for committing and being convicted of the federal offense of

extortion in the judge's role as a school board trustee. [Violations of Canons 2A the Texas Code of Judicial Conduct] *Public Warning of a Former Municipal Court Judge.* 8/10/22

- The judge failed to comply with and maintain professional competence in the law, and engaged in willful conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit upon the judiciary, when he improperly shredded a government record. [Violations of Canons 2A and 3B(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 Justice of the Peace.* 12/8/21.

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 sent a letter, on letterhead that identified the judge and the judge's office, to another judge presiding over a pending divorce proceeding providing a personal character reference for a party to that action. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Admonition of a County Judge.* 2/24/22.
- The judge appeared in a social media video depicting the judge dancing in the judge's courtroom to a song containing explicit lyrics, as requested by a person who could use that person's social media account and the video including the judge for that person's own social media promotional purposes. [Violations of Canon 2B of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Admonition of a District Judge.* 3/8/22.
- The judge distributed a political campaign advertisement containing the photograph of the child and the paternal grandparents while the judge was still presiding over the custody dispute involving the paternal grandparents and the mother of the child which conveyed the impression that the parties were in a special position to influence the judge. [Violation of Canon 2B of the Texas Code of Judicial Conduct.] *Private Warning of a District Judge.* 6/22/22.

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 with whom the judge deals in an official capacity and failed to accord the right to be heard when the judge ordered an attorney escorted to the jury box where the her bailiff shackled the attorney to a chair in the jury box during a protective order hearing; and, continued the hearing with the parties, including the attorney's client, while the attorney was shackled in the jury box. Additionally, just over a week later, the judge had another attorney escorted to the jury box where her bailiff shackled him to a chair in the jury box; then, the judge instructed the attorney's son who had arrived to represent his father, never to come into her courtroom again. In neither case did the judge initiate contempt proceedings of any kind against either attorney. [Violations of Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Reprimand of a District Judge.* 4/20/22.

- The judge failed to comply with the law and failed to patient, dignified and courteous with whom the judge deals in an official capacity when the judge engaged in sexual harassment and creating an intimidating, hostile and offensive work environment. [Violations of Canons 2A and 3B(4) of the Texas Code of Judicial Conduct.] *Public Warning of a Justice of the Peace*. 8/22/22.
- The judge failed to treat the lawyers and/or defendants in several cases with patience, dignity, and courtesy by intentionally delaying hearings, resetting cases multiple times without just cause, and failing to effectively communicate her expectations about procedures and time constraints to waiting court-goers; and by repeatedly ignoring attorneys' requests to obtain case settings or to dispose of their clients' cases. [Violations of Canon 3B(4) and 3B(5) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Reprimand of a County Criminal Court Judge*. (3/4/22).
- The judge failed to treat all defendants appearing before him with the patience, dignity and courtesy required of a judge with respect to those with whom he deals in an official capacity, when he made disrespectful and/or discourteous remarks to certain defendants that appeared in front of him in open court, including regarding those defendants' alleged inability to pay fines arising from their cases. [Violation of Canon 3B(4) of the Texas Code of Judicial Conduct.] *Private Admonition of a Former Municipal Court Judge*. 12/8/21.

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 from presiding over a criminal case in which the State was seeking an adjudication of guilt and revocation of community supervision of the defendant, when the judge had served as the prosecutor that handled the defendant's original plea. [Violations of Canons 2A, 3B(1) and 3B(2) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a District Court Judge*. 2/28/22.
- The judge failed to disqualify from presiding over a family law case in which the judge previously served as a lawyer. [Violation of Canons 2A, 3B(1) and 3B(2) of the Texas Code of Judicial Conduct.] *Private Reprimand and Order of Additional Education of an Associate Judge*. 7/18/22.

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

- The judge made comments during a probable cause hearing that created the appearance of partiality on her part towards the defendant and could be perceived as addressing matters not properly before the court, and made statements to the media defending those comments in a manner that cast reasonable doubt on her capacity to act impartially as a judge. [Violations of Canons 3B(5), 3B(6), 3B(10) and 4A(1) of the Texas Code of Judicial Conduct.] *Private Admonition of a Criminal Law Hearing Officer*. 1/12/22.

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 initiated an improper *ex parte* communication with a litigant and conducted her extra-judicial activities in a manner that cast reasonable doubt on her capacity to act impartially as a judge and that interfered with the proper performance of her judicial duties, when she offered the litigant a

ride home after a hearing and discussed the pending case with the litigant. [Violations of Canons 3B(8), 4A(1) and 4A(2) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a County Court at Law Judge. 1/12/22.*

- The judge engaged in an *ex parte* communication with the Amicus Attorney outside the presence of the parties and/or their attorneys regarding the psychological evaluation of the parents and children and how to proceed thereto. [Violation of Canon 3B(8) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a District Judge. 6/22/22.*

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 failed on several occasions to timely file campaign finance reports with the Texas Ethics Commission and failed to file public reports required by law. [Violation of Canons 2A and 4A(1) of the Texas Code of Judicial Conduct, and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning of a District Court Judge. 2/16/22.*
- The judge posted and reposted racial, ethnic and religious comments and/or memes on social media; improperly issued Peace Bond Warrants for President Biden and Dr. Anthony Fauci based on alleged "threats to commit an offense" against multiple anonymous complainants; and lent the prestige of his judicial office to advance the private interests of his own charitable or civic organization, and solicited funds for that organization.[Violations of Canons 2A, 2B, 3B(2), 3B(10), 4C(2) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Public Warning of a Justice of the Peace. 7/7/22.*
- The judge initiated an improper *ex parte* communication with a litigant and conducted her extra-judicial activities in a manner that cast reasonable doubt on her capacity to act impartially as a judge and that interfered with the proper performance of her judicial duties, when she offered the litigant a ride home after a hearing and discussed the pending case with the litigant. [Violations of Canons 3B(8), 4A(1) and 4A(2) of the Texas Code of Judicial Conduct.] *Private Admonition and Order of Additional Education of a County Court at Law Judge. 1/12/22.*
- The judge made callous and discriminatory comments on social media which cast reasonable doubt on the judge’s capacity to act impartially as a judge. [Violation of Canon 4A(1) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.] *Private Reprimand and Order of Additional Education of a District Judge. 8/22/22.*

CANON 4C(2): A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organizations, but may be listed as an officer, director, delegate or trustee of such organization and may be a speaker or a guest of honor at an organizations fund raising events.

- The judge made a social media post promoting a conference in which the judge was participating and engaged in improper solicitation of funds for that event. [Violations of Canons 2B and 4C(2) of the Texas Code of Judicial Conduct.] *Private Order of Additional Education of a District Court Judge. 3/8/22.*

CANON 4G: A judge shall not practice law except as permitted by statute or this Code.

- The judge continued to practice law after taking the bench as an associate judge. [Violations of Canon 4G of the Texas Code of Judicial Conduct.] *Public Admonition of an Associate Judge.* 8/29/22.

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

- The judge lent the prestige of judicial office to advance the private interests of the judge's wife and by endorsing her candidacy during her campaign for public office, marketing/advertising practices that improperly blended the judge's judicial office with the judge's private law practice and acting as a lawyer for a defendant in a proceeding in which the judge previously presided over as the judge. [Violations of Canon 2B, 5(2) and 6C(1)(d) of the Texas Code of Judicial Conduct.] *Public Reprimand and Order of Additional Education of a District Judge.* 10/29/21.

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

- The judge failed to cooperate with the Commission's investigation in the complaints filed against him. [Violation of Article V, Section 1-a(6)A of the Texas Constitution and Tex. Gov't Code §33.001(b).] *Public Admonition of a Former Associate Judge.* 7/7/22.
- The judge engaged in conduct that led to her arrest and criminal charges for use an abusable volatile chemical and possession of a burned marijuana cigar. [Violation of Article V, Section 1-a(6)A of the Texas Constitution.] *Public Admonition of a Former Municipal Court Judge.* 12/8/21.