Legislative Appropriations Request

For Fiscal Years 2018 and 2019

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

By

State Commission on Judicial Conduct

August 11, 2016

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Administrator's Statement
85th 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:

Ms. Valerie Ertz, Chair
Public Member
Dallas, TX

Honorable Douglas S. Lang, Vice-Chair
Appellate Judge Member
Dallas, TX

Mr. Ricky A. Raven, Secretary
Attorney Member
Houston, TX

Ms. Patti Johnson
Public Member
Canyon Lake, TX

Ms. Martha M. Hernandez
Public Member
Diboll, TX

Ms. Diane De La Torre Threadgill
Public Member
Midlothian, TX

Mr. Demetrius K. Bivins
Attorney Member
Houston, TX

Honorable Orlinda Naranjo
District Judge Member
Austin, TX

Mr. David M. Russell
Public Member
Dripping Springs, TX

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

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

Honorable Catherine N. Wylie
Municipal Court Judge Member
Houston, TX

Honorable Tramer J. Woytek
County Judge Member
Hallettsville, 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.

The SCJC has three funding priorities for the FY 2018/2019 biennium:

1. Restore 4% Reduction in Funding:

Because of Riders restricting over $26,000 in general appropriations each year, a 4% reduction in that net funding would necessitate a reduction in the SCJC's workforce since nearly 90% of the agency's budget goes to payroll and payroll expenses. It is imperative that the SCJC maintain current staffing levels in order to (a) meet the 20% or more increase in case filings resulting from the agency's FY 2016 launching of electronic complaint filing, (b) continue efforts to reduce the number of cases that remain pending more than 12 months, (c) litigate formal proceedings and appeals of sanctions in the upcoming biennium, and (d) improve and maintain a paperless office environment.

Amount over the biennium: $90,516

2. Funding to Purchase Annual Subscription Service

As part of its investigative functions, the SCJC relies heavily on its ability to review court records, many of which were readily available, at no cost to the agency, thanks to those County and District Court Clerks who provided online records through their respective websites. Recently, several counties have entered into contracts with

third-party vendors, such as idocket, and only allow access to court records through a paid subscription. For access to court records through idocket, government agencies such as the SCJC can purchase a monthly subscription at half the regular cost of $549/month. Without such a subscription, the SCJC would have to incur additional time and expense by making a written request to each court or County or District Clerk in each case, potentially exposing the fact that a judge is under investigation, and/or travel to each courthouse personally to review and obtain copies of the records on site. This funding would allow us to purchase an annual subscription to idocket (and possibly other subscription services) for access to case files no longer being provided free of charge as needed for the agency's investigations.

Amount over the biennium: $7,000

3. Funding to Purchase Public Official/Employment Practices Liability Insurance

Following a recent audit, the State Office of Risk Management identified a potential loss exposure for the SCJC due to liabilities associated with employment practice and decisions of SCJC directors and officers. According to SORM, these potential exposures can be addressed/mitigated by the Statewide Directors and Officers/Public Officials Liability Insurance Program, which provides protection for financial loss as a result of a claim alleging a wrongful act, error or omission, etc. in the executive/management level of the agency. It also provides coverage for Employment Practices Liability for claims brought by employees or potential employees alleging a Wrongful Employment Practice and/or harassment or discrimination. It can also cover negligent evaluation, failure to hire or promote, wrongful discipline. The SCJC could incur expenses even if an allegation is groundless. The requested funding would enable the SCJC to purchase Public Official/ Employment Practices Liability Insurance to protect the agency against these potential financial liabilities.

Amount over the biennium: $8,500

In addition to the funding priorities above, we are also requesting to revise the language of our existing Riders to expand the description of expenditures that are allowed.

• Rider 2 currently restricts $21,375 each fiscal year to be used to pay for the expenses of formal proceedings and appeals as authorized by the Texas Constitution, Article V, Section 1-a, Chapter 33 of the Texas Government Code, and the Texas Procedural Rules for the Removal or Retirement of Judges. Under Section 33.023 of the Texas Government Code, and Article V, section 1-a(6)C of the Texas Constitution, in certain cases, the Commission may order a judge to undergo a medical examination to determine if the judge has a medical or mental health disability that may interfere with the judge's ability to perform judicial duties. In those instances where a disability is alleged, the cost of the evaluation by a medical or mental health professional must be paid by the Commission. While the Commission may not be able to anticipate those costs, our experience has been that they can amount to thousands of dollars for a basic evaluation that does not include treatment. Because it is likely that the evaluation ordered by the Commission will coincide with formal proceedings and/or a suspension, we are requesting to have these costs included in the description of expenses authorized to be paid out of the restricted funds in Rider 2.

• Rider 3 currently restricts $5,000 each fiscal year to be used only for the purpose of investigator travel within the State of Texas. Very often, while engaged in investigative travel, SCJC staff will take video and/or audio statements from witnesses, complainants, and judges, which need to be transcribed by a court reporter before being presented to the Commission for consideration. The cost of such a transcript, depending on the length of the interview, can be several hundreds of dollars. As they relate to work performed while engaged in investigative travel, we are requesting to have these costs included in the description of expenses authorized to be paid out of the restricted funds in Rider 3. Given the 4% reduction in baseline funding, the agency is also requesting the same UB authority for Rider 3 as is currently provided for in Rider 2.

242 State Commission on Judicial Conduct

Note on 10% Reduction Schedule:

The SCJC is a very small agency (14 FTEs) within the judicial branch of government and has historically operated on limited resources. Close to 90% of the general revenue appropriated to the agency each year goes towards salaries, wages and other personnel costs. In addition, each year $26,375 of the agency's general revenue is restricted pursuant to Appropriation Riders, which prevents the agency from using those funds for any other purpose than that stated in the Riders. As a result, any proposed reduction in general revenue would come after setting aside restricted funds, which places the agency at a disadvantage from the start of this exercise. The agency would note that the cumulative effect of these reductions would likely have a negative impact on the agency's ability to attain the goal of 95% disposition of cases, and may contribute to larger caseloads and delays in case resolutions.

State Commission on Judicial Conduct

Organizational Chart

Budget Overview - Biennial Amounts

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

242 State Commission on Judicial Conduct

Appropriation Years: 2018-19

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2018-19
Goal: 1. Administration and Enforcement											
1.1.1. Administration And Enforcement	2,262,872	2,172,356							2,262,872	2,172,356	106,016
Total, Goal	**2,262,872**	**2,172,356**							**2,262,872**	**2,172,356**	**106,016**
Total, Agency	**2,262,872**	**2,172,356**							**2,262,872**	**2,172,356**	**106,016**
Total FTEs									**14.0**	**14.0**	**14.0**

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 Office of the Governor, Budget Division, 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 (2016–17 GAA).

Chief Executive Officer or Presiding Judge

Signature

Seana Willing
Printed Name

Executive Director
Title

8/5/16
Date

Board or Commission Chair

Valerie E Ertz
Signature

VALERIE E ERTZ
Printed Name

Chair
Title

8/5/16
Date

Chief Financial Officer

Signature

Terri Counts
Printed Name

Staff Services Officer
Title

8-5-16
Date

242 State Commission on Judicial Conduct

Goal / *Objective* / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
1 Administration and Enforcement					
1 *Administration and Enforcement*					
1 ADMINISTRATION AND ENFORCEMENT	996,411	1,081,686	1,181,186	1,086,178	1,086,178
TOTAL, GOAL 1	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178
TOTAL, AGENCY STRATEGY REQUEST	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				$0	$0
GRAND TOTAL, AGENCY REQUEST	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	996,411	1,081,686	1,181,186	1,086,178	1,086,178
SUBTOTAL	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178
TOTAL, METHOD OF FINANCING	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178

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

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

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
GENERAL REVENUE					
1 General Revenue Fund					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2014-15 GAA)	$947,156	$0	$0	$0	$0
Comments: Rider 3 Formal Proceedings and Appeals: $21,375 of GR is restricted to expenses related to Formal Proceedings and Appeals. Rider 4 Investigator Travel: $5,000 each year of the biennium is restricted for investigator travel expenses.					
Regular Appropriations from MOF Table (2016-17 GAA)	$0	$1,112,436	$1,109,936	$0	$0
Comments: Rider 2 Formal Proceedings and Appeals: $21,375 of GR is restricted to expenses related to Formal Proceedings and Appeals. Rider 3 Investigator Travel: $5,000 each year of the biennium is restricted for investigator travel expenses.					
Regular Appropriations from MOF Table	$0	$0	$0	$1,086,178	$1,086,178
RIDER APPROPRIATION					
Rider 2, UB within Biennium (2016-17 GAA)					

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

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
GENERAL REVENUE					
	$0	$(21,000)	$21,000	$0	$0
Comments: Unused Rider 2 funds restricted for Formal Proceedings and Appeals.					
Rider 3, UB within Biennium (2014-15 GAA)	$21,000	$0	$0	$0	$0
Comments: Unused Rider 3 funds restricted for Formal Proceedings and Appeals.					
TRANSFERS					
Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15) GAA)	$13,200	$0	$0	$0	$0
Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)	$0	$20,250	$20,250	$0	$0
LAPSED APPROPRIATIONS					
Lapsed Appropriations	$(7,636)	$0	$0	$0	$0
UNEXPENDED BALANCES AUTHORITY					
Strategy A.1.1, Administration and Enforcement, (2016-17 GAA)					

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

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
GENERAL REVENUE					
	$0	$(30,000)	$30,000	$0	$0
Comments: Open FTE for part of the fiscal year.					
Strategy A.1.1, Administration and Enforcement, (2014-15 GAA)					
	$22,691	$0	$0	$0	$0
TOTAL, General Revenue Fund	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
TOTAL, ALL GENERAL REVENUE	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
GRAND TOTAL	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**

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

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2014-15 GAA)	14.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2016-17 GAA)	0.0	14.0	14.0	0.0	0.0
Regular Appropriations from MOF Table	0.0	0.0	0.0	13.0	13.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over(Below)Cap	(1.2)	(0.8)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	**12.8**	**13.2**	**14.0**	**13.0**	**13.0**
NUMBER OF 100% FEDERALLY FUNDED FTEs	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

242 State Commission on Judicial Conduct

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	$782,987	$925,000	$973,045	$927,787	$927,787
1002 OTHER PERSONNEL COSTS	$50,594	$30,358	$53,253	$24,931	$24,931
2001 PROFESSIONAL FEES AND SERVICES	$2,725	$1,300	$1,500	$1,400	$1,400
2003 CONSUMABLE SUPPLIES	$9,452	$5,000	$7,000	$5,500	$5,500
2004 UTILITIES	$840	$1,000	$1,400	$1,200	$1,200
2005 TRAVEL	$55,220	$59,000	$62,000	$59,000	$59,000
2006 RENT - BUILDING	$2,525	$2,500	$2,700	$2,600	$2,600
2007 RENT - MACHINE AND OTHER	$2,350	$2,500	$2,700	$2,600	$2,600
2009 OTHER OPERATING EXPENSE	$89,718	$55,028	$77,588	$61,160	$61,160
OOE Total (Excluding Riders)	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
OOE Total (Riders)					
Grand Total	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**

2.C.1. Operating Costs Detail ~ Base Request

85th 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 2015	Estimated 2016	Budgeted 2017	Requested 2018	Requested 2019
2	Postage	$5,093	$1,000	$3,000	$2,000	$2,000
5	Westlaw/Lexis	4,374	5,600	6,100	6,100	6,100
7	Subscriptions/Periodicals	3,945	2,394	2,500	2,400	2,400
12	Maintenance & Repair - Equipment	433	0	900	500	500
15	Printing & Reproduction	40	250	700	250	250
24	Freight/Delivery	30	308	450	300	300
29	Court Reporter Expenses	848	3,000	4,500	2,000	2,000
37	Computer Software / Upgrades	172	0	2,500	0	0
45	Telephone/Communication Services	4,212	6,400	6,400	6,000	6,000
64	SORM Assessment	1,016	981	1,500	1,200	1,200
94	Awards	805	200	700	405	405
100	Unemployment Compensation Benefit	687	0	0	0	0
117	Case Management System	4,400	4,400	4,400	4,400	4,400
151	Medical Services	0	4,000	0	0	0
153	Formal Proceedings/Appeal	20,083	3,000	21,375	21,375	21,375
157	Fees and Other Charges	211	100	300	130	130
168	Registration, Training, Membership	6,721	5,795	6,500	5,000	5,000
176	Furniture and Equipment	7,527	2,500	3,663	0	0
195	Payroll Health Insurance Contrib.	7,804	9,100	9,100	9,100	9,100
199	Computer Equipment Purchased	21,317	6,000	3,000	0	0
	Total, Operating Costs	**$89,718**	**$55,028**	**$77,588**	**$61,160**	**$61,160**

2.D. Summary of Base Request Objective Outcomes

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

242 State Commission on Judicial Conduct

Goal/ *Objective* / **Outcome**	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Administration and Enforcement					
1 Administration and Enforcement					
KEY 1 Percentage of Cases Disposed					
	116.29%	95.00%	100.00%	90.00%	90.00%

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

	2018			2019			Biennium	
Priority Item	**GR and GR/GR Dedicated**	**All Funds**	**FTEs**	**GR and GR Dedicated**	**All Funds**	**FTEs**	**GR and GR Dedicated**	**All Funds**
1 Restore 4% Funding	$45,258	$45,258	1.0	$45,258	$45,258	1.0	$90,516	$90,516
2 Funding for Subscription Service	$3,500	$3,500	0.0	$3,500	$3,500	0.0	$7,000	$7,000
3 Funding for Liability Insurance	$4,250	$4,250	0.0	$4,250	$4,250	0.0	$8,500	$8,500
Total, Exceptional Items Request	**$53,008**	**$53,008**	**1.0**	**$53,008**	**$53,008**	**1.0**	**$106,016**	**$106,016**
Method of Financing								
General Revenue	$53,008	$53,008		$53,008	$53,008		$106,016	$106,016
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	$53,008	**$53,008**		**$53,008**	**$53,008**		**$106,016**	**$106,016**
Full Time Equivalent Positions			**1.0**			**1.0**		
Number of 100% Federally Funded FTEs			**0.0**			**0.0**		

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

Goal/*Objective*/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
1 Administration and Enforcement						
1 *Administration and Enforcement*						
1 ADMINISTRATION AND ENFORCEMENT	$1,086,178	$1,086,178	$53,008	$53,008	$1,139,186	$1,139,186
TOTAL, GOAL 1	**$1,086,178**	**$1,086,178**	**$53,008**	**$53,008**	**$1,139,186**	**$1,139,186**
TOTAL, AGENCY STRATEGY REQUEST	**$1,086,178**	**$1,086,178**	**$53,008**	**$53,008**	**$1,139,186**	**$1,139,186**
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	**$1,086,178**	**$1,086,178**	**$53,008**	**$53,008**	**$1,139,186**	**$1,139,186**

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

Goal/*Objective*/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
General Revenue Funds:						
1 General Revenue Fund	$1,086,178	$1,086,178	$53,008	$53,008	$1,139,186	$1,139,186
	$1,086,178	**$1,086,178**	**$53,008**	**$53,008**	**$1,139,186**	**$1,139,186**
TOTAL, METHOD OF FINANCING	**$1,086,178**	**$1,086,178**	**$53,008**	**$53,008**	**$1,139,186**	**$1,139,186**
FULL TIME EQUIVALENT POSITIONS	**13.0**	**13.0**	**1.0**	**1.0**	**14.0**	**14.0**

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

Goal/ *Objective* / **Outcome**	BL 2018	BL 2019	Excp 2018	Excp 2019	Total Request 2018	Total Request 2019
1 Administration and Enforcement						
1 *Administration and Enforcement*						
KEY **1 Percentage of Cases Disposed**						
	90.00%	90.00%	100.00%	100.00%	100.00%	100.00%

242 State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement

OBJECTIVE: 1 Administration and Enforcement — Service Categories:

STRATEGY: 1 Administration and Enforcement — Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
1	Number of Cases Pending	465.00	562.00	500.00	600.00	600.00
2	Number of Presentations on Judicial Ethics at Conferences and Meetings	25.00	25.00	25.00	25.00	25.00
3	Formal Proceeding, Suspension, or Amicus Curiae Cases	5.00	5.00	3.00	3.00	3.00
4	Cases Requesting Reconsideration Disposed	51.00	50.00	50.00	55.00	55.00
5	Number of Cases Disposed	1,242.00	1,100.00	1,200.00	1,000.00	1,000.00
6	Ethics Calls Taken by Staff	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00
Efficiency Measures:						
1	Average Time for Case Resolution	6.90	5.90	6.00	7.50	7.50
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	1,068.00	1,200.00	1,300.00	1,300.00	1,300.00
2	Number of Post-sanction Appeals	5.00	0.00	2.00	2.00	2.00
3	Amicus Curiae Assistance	0.00	0.00	0.00	0.00	0.00
Objects of Expense:						
1001	SALARIES AND WAGES	$782,987	$925,000	$973,045	$927,787	$927,787

242 State Commission on Judicial Conduct

GOAL: 1 Administration and Enforcement

OBJECTIVE: 1 Administration and Enforcement — Service Categories:

STRATEGY: 1 Administration and Enforcement — Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1002	OTHER PERSONNEL COSTS	$50,594	$30,358	$53,253	$24,931	$24,931
2001	PROFESSIONAL FEES AND SERVICES	$2,725	$1,300	$1,500	$1,400	$1,400
2003	CONSUMABLE SUPPLIES	$9,452	$5,000	$7,000	$5,500	$5,500
2004	UTILITIES	$840	$1,000	$1,400	$1,200	$1,200
2005	TRAVEL	$55,220	$59,000	$62,000	$59,000	$59,000
2006	RENT - BUILDING	$2,525	$2,500	$2,700	$2,600	$2,600
2007	RENT - MACHINE AND OTHER	$2,350	$2,500	$2,700	$2,600	$2,600
2009	OTHER OPERATING EXPENSE	$89,718	$55,028	$77,588	$61,160	$61,160
TOTAL, OBJECT OF EXPENSE		**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
Method of Financing:						
1	General Revenue Fund	$996,411	$1,081,686	$1,181,186	$1,086,178	$1,086,178
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					**$1,086,178**	**$1,086,178**
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
FULL TIME EQUIVALENT POSITIONS:		**12.8**	**13.2**	**14.0**	**13.0**	**13.0**

242 State Commission on Judicial Conduct

GOAL:	1	Administration and Enforcement			
OBJECTIVE:	1	Administration and Enforcement	Service Categories:		
STRATEGY:	1	Administration and Enforcement	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019

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 travel for investigations, 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	EXPLANATION OF BIENNIAL CHANGE	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
$2,262,872	$2,172,356	$(90,516)	$(90,516)	The Biennial Change reflects the required 4% reduction in our General Revenue from 2016-17 and 2018-19. The agency will be forced to eliminate an FTE as a result of this funding reduction.
			$(90,516)	**Total of Explanation of Biennial Change**

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
METHODS OF FINANCE (INCLUDING RIDERS):				**$1,086,178**	**$1,086,178**
METHODS OF FINANCE (EXCLUDING RIDERS):	**$996,411**	**$1,081,686**	**$1,181,186**	**$1,086,178**	**$1,086,178**
FULL TIME EQUIVALENT POSITIONS:	**12.8**	**13.2**	**14.0**	**13.0**	**13.0**

3.A.1. PROGRAM-LEVEL REQUEST SCHEDULE

85th Regular Session, Agency Submission, Version 1

Agency Code: 242		Agency: State Commission on Judicial Conduct				Prepared By: Terri Counts					
Date: 8/5/16						16-17	Requested	Requested	Biennial Total	Biennial Difference	
Goal	Goal Name	Strategy	Strategy Name	Program	Program Name	Base	2018	2019	18-19	$	%
1	Administration & Enforcement	1	Administration & Enforcement	1	Administration and Enforcement	$2,262,872	$1,086,178	$1,086,178	$2,172,356	($90,516)	-4.0%

RIDER REVISIONS AND ADDITIONS REQUEST

STATE COMMISSION ON JUDICIAL CONDUCT **8/5/16** **Baseline**

Current Rider Number	Page Number on 2016-17 GAA	Proposed Rider Language	
2.	IV-33-34	**Formal Proceedings and Appeals.** Out of amounts appropriated above in Strategy A.1.1 Administration and Enforcement, $21,375 in fiscal year ~~2016~~ 2018 and $21,375 in fiscal year ~~2017~~ 2019 shall be used to pay for the expenses of formal proceedings and appeals initiated under the *Procedural Rules for the Removal or Retirement of Judges* promulgated under Texas Constitution, Article V, Section 1-a, notwithstanding other funds expended by the Commission for that purpose. These funds may also be used to pay for the costs of an examination when the commission orders, or enters into an agreement with, a judge to undergo a medical or mental health evaluation as authorized under the Texas Government Code Section 33.023. Any unobligated and unexpended balance of funds for these purposes remaining as of August 31, ~~2016~~ 2018 are appropriated for the fiscal year beginning September 1, ~~2017~~ 2019, and may be allocated for the same purpose and for purposes other than formal proceedings, appeals and costs associated with medical or mental health evaluations.	
3.	IV-34	**Investigator Travel.** Out of amounts appropriated above in Strategy A.1.1, Administration and Enforcement, $5,000 in fiscal year ~~2016~~ 2018 and $5,000 in fiscal year ~~2017~~ 2019 shall be used only for the purpose of conducting investigator travel within the State of Texas to investigate possible cases of judicial misconduct and expenses related to obtaining transcripts of oral statements from witnesses, complainants and judges. Any unobligated and unexpended balance of funds for these purposes remaining as of August 31, 2018 are appropriated for the fiscal year beginning September 1, 2019, and may be allocated for the same purpose and for purposes other than investigator travel and costs associated with obtaining a transcript of oral statements from witnesses, complainants and judges.	

Agency code: **242** Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION			Excp 2018	Excp 2019
	Item Name:	Restore 4% Funding			
	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:					
1001	SALARIES AND WAGES			45,258	45,258
	TOTAL, OBJECT OF EXPENSE			**$45,258**	**$45,258**
METHOD OF FINANCING:					
1	General Revenue Fund			45,258	45,258
	TOTAL, METHOD OF FINANCING			**$45,258**	**$45,258**
FULL-TIME EQUIVALENT POSITIONS (FTE):				1.00	1.00

DESCRIPTION / JUSTIFICATION:

Because of Riders restricting over $26,000 in general appropriations each year, a 4% reduction in that net funding would necessitate a reduction in the SCJC's workforce since nearly 90% of the agency's budget goes to payroll and payroll expenses. It is imperative that the SCJC maintain current staffing levels in order to (a) meet the increase in case filings resulting from the agency's FY 2016 launching of electronic complaint filing, (b) continue efforts to reduce the number of cases that remain pending more than 12 months, (c) litigate formal proceedings and appeals of sanctions in the upcoming biennium, and (d) improve and maintain a paperless office environment.

EXTERNAL/INTERNAL FACTORS:

Payroll expenses make up nearly 90% of the SCJC's budget. In order to avoid cutting essential services that have a direct impact on the agency's mission, the agency would have to reduce its administrative work force in order to meet the 4% budget cut. Historically, our agency has consistently found ways to do more with less, and has proven to be extremely efficient in its use of limited resources in comparison to its counter-parts in other states. In the last 15 years, the agency has already experienced a 20% reduction in staff (from 17 FTEs to 14 FTEs) and, as a result, has struggled to maintain the same high level of service while striving to meet key performance measures. The loss of another FTE at a time when case filings are increasing by 20% or more will have a detrimental impact on our ability to maintain that level of service and on our ability to meet these key performance measures.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding to maintain current staffing levels to meet our agency's performance measures.

Agency code: **242** Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION	Excp 2018	Excp 2019

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$45,258	$45,258	$45,258

Agency code: **242** Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION			Excp 2018	Excp 2019
	Item Name:	Funding for Annual Subscription Service			
	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:					
2009	OTHER OPERATING EXPENSE			3,500	3,500
	TOTAL, OBJECT OF EXPENSE			**$3,500**	**$3,500**
METHOD OF FINANCING:					
1	General Revenue Fund			3,500	3,500
	TOTAL, METHOD OF FINANCING			**$3,500**	**$3,500**

DESCRIPTION / JUSTIFICATION:

To obtain court records essential to SCJC investigations. For access to court records through idocket, government agencies such as the SCJC can purchase a monthly subscription at half the regular cost of $549/month. This funding would allow us to purchase an annual subscription to idocket (and possibly other subscription services) for access to case files no longer being provided free of charge as needed for the agency's investigations.

EXTERNAL/INTERNAL FACTORS:

As part of its investigative functions, the SCJC relies heavily on its ability to review court records, many of which were readily available, at no cost to the agency, thanks to those County and District Court Clerks who provided online records through their respective websites. Recently, several counties have entered into contracts with third-party vendors, such as idocket, and only allow access to court records through a paid subscription. Without such a subscription, the SCJC would have to incur additional time and expense by making a written request to each court or County or District Clerk in each case, potentially exposing the fact that a judge is under investigation, and/or travel to each courthouse personally to review and obtain copies of the records on site.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding to continue purchase of Annual Subscription Service(s) for viewing and obtaining court records needed for investigation of complaints.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$3,500	$3,500	$3,500

Agency code: 242 Agency name:

State Commission on Judicial Conduct

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Funding to Purchase Public Official/Employment Practicies Liability Insurance		
	Item Priority: 3		
	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:			
2009	OTHER OPERATING EXPENSE	4,250	4,250
	TOTAL, OBJECT OF EXPENSE	**$4,250**	**$4,250**
METHOD OF FINANCING:			
1	General Revenue Fund	4,250	4,250
	TOTAL, METHOD OF FINANCING	**$4,250**	**$4,250**

DESCRIPTION / JUSTIFICATION:
Purchase Public Official/Employment Practices Liability Insurance for our Agency.

EXTERNAL/INTERNAL FACTORS:

Following a recent audit, the State Office of Risk Management identified a potential loss exposure for the SCJC due to liabilities associated with employment practice and decisions of SCJC directors and officers. According to SORM, these potential exposures can be addressed/mitigated by the Statewide Directors and Officers/Public Officials Liability Insurance Program, which provides protection for financial loss as a result of a claim alleging a wrongful act, error or omission, etc. in the executive/management level of the agency. It also provides coverage for Employment Practices Liability for claims brought by employees or potential employees alleging a Wrongful Employment Practice and/or harassment or discrimination. It can also cover negligent evaluation, failure to hire or promote, wrongful discipline. The SCJC could incur expenses even if an allegation is groundless. The requested funding would enable the SCJC to purchase Public Official/ Employment Practices Liability Insurance to protect the agency against these potential financial liabilities.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding to continue purchase of recommended Public Official/ Employment Practices Liability Insurance.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$4,250	$4,250	$4,250

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

Code	Description	Excp 2018	Excp 2019
Item Name:	Restore 4% Funding		
Allocation to Strategy:	1-1-1 Administration and Enforcement		
STRATEGY IMPACT ON OUTCOME MEASURES:			
1	Percentage of Cases Disposed	100.00%	100.00%
OUTPUT MEASURES:			
1	Number of Cases Pending	500.00	500.00
EFFICIENCY MEASURES:			
1	Average Time for Case Resolution	6.00	6.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	45,258	45,258
TOTAL, OBJECT OF EXPENSE		**$45,258**	**$45,258**
METHOD OF FINANCING:			
1	General Revenue Fund	45,258	45,258
TOTAL, METHOD OF FINANCING		**$45,258**	**$45,258**
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

Code	Description	Excp 2018	Excp 2019
Item Name:	Funding for Annual Subscription Service		
Allocation to Strategy:	1-1-1 Administration and Enforcement		
STRATEGY IMPACT ON OUTCOME MEASURES:			
1	Percentage of Cases Disposed	100.00%	100.00%
OUTPUT MEASURES:			
1	Number of Cases Pending	500.00	500.00
EFFICIENCY MEASURES:			
1	Average Time for Case Resolution	6.00	6.00
OBJECTS OF EXPENSE:			
2009	OTHER OPERATING EXPENSE	3,500	3,500
TOTAL, OBJECT OF EXPENSE		**$3,500**	**$3,500**
METHOD OF FINANCING:			
1	General Revenue Fund	3,500	3,500
TOTAL, METHOD OF FINANCING		**$3,500**	**$3,500**
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

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 2018	Excp 2019
STRATEGY IMPACT ON OUTCOME MEASURES:			
1	Percentage of Cases Disposed	100.00 %	100.00 %
OUTPUT MEASURES:			
1	Number of Cases Pending	500.00	500.00
5	Number of Cases Disposed	1,200.00	1,200.00
EFFICIENCY MEASURES:			
1	Average Time for Case Resolution	6.00	6.00
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	45,258	45,258
2009	OTHER OPERATING EXPENSE	7,750	7,750
	Total, Objects of Expense	**$53,008**	**$53,008**
METHOD OF FINANCING:			
1	General Revenue Fund	53,008	53,008
	Total, Method of Finance	**$53,008**	**$53,008**
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore 4% Funding

Funding for Annual Subscription Service

Funding to Purchase Public Official/Employment Practicies Liability Insurance

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

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2014 - 2015 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2014 % Goal	% Actual	Diff	Actual $	Total Expenditures FY 2014	HUB Expenditures FY 2015 % Goal	% Actual	Diff	Actual $	Total Expenditures FY 2015
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	$0	$0	0.0 %	0.0%	0.0%	$0	$0
21.1%	Building Construction	0.0 %	0.0%	0.0%	$0	$0	0.0 %	0.0%	0.0%	$0	$0
32.9%	Special Trade	0.0 %	0.0%	0.0%	$0	$0	0.0 %	0.0%	0.0%	$0	$0
23.7%	Professional Services	20.0 %	0.0%	-20.0%	$0	$0	20.0 %	0.0%	-20.0%	$0	$0
26.0%	Other Services	33.0 %	51.9%	18.9%	$4,513	$8,697	33.0 %	33.4%	0.4%	$6,144	$18,406
21.1%	Commodities	12.6 %	33.4%	20.8%	$3,410	$10,203	12.6 %	33.4%	20.8%	$5,118	$15,338
	Total Expenditures		**41.9%**		**$7,923**	**$18,900**		**33.4%**		**$11,262**	**$33,744**

B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals

Attainment:

The State Commission on Judicial Conduct exceeded the applicable HUB goals in FY 2014 and FY 2015 in the Other Services and Commodities categories.

Applicability:

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

Factors Affecting Attainment:

The agency only made one purchase in the Professional Services category for FY 2014 and FY 2015.

"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**

	REVENUE LOSS			REDUCTION AMOUNT			TARGET
Item Priority and Name/ Method of Financing	**2018**	**2019**	**Biennial Total**	**2018**	**2019**	**Biennial Total**	
1 Salaries and Wages							
Category: Administrative - FTEs / Layoffs							
Item Comment: Reduce Payroll by eliminating 2 positions.							
As a small agency with only 14 employees, any reduction in staff would have an adverse impact on the agency's performance measures and its ability to perform its core functions.							
Strategy: 1-1-1 Administration and Enforcement							
General Revenue Funds							
1 General Revenue Fund	$0	$0	$0	$108,618	$108,618	$217,236	
General Revenue Funds Total	**$0**	**$0**	**$0**	**$108,618**	**$108,618**	**$217,236**	
Item Total	**$0**	**$0**	**$0**	**$108,618**	**$108,618**	**$217,236**	
FTE Reductions (From FY 2018 and FY 2019 Base Request)				**2.0**	**2.0**		
AGENCY TOTALS							
General Revenue Total				**$108,618**	**$108,618**	**$217,236**	**$217,236**
Agency Grand Total	**$0**	**$0**	**$0**	**$108,618**	**$108,618**	**$217,236**	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)				**2.0**	**2.0**		

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

Strategy		Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1-1-1	**Administration and Enforcement**					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	$103,350	$103,350	$103,350	$103,350	$103,350
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	**$106,450**	**$106,450**	**$106,450**	**$106,450**	**$106,450**
METHOD OF FINANCING:						
1	General Revenue Fund	106,450	106,450	106,450	106,450	106,450
	Total, Method of Financing	**$106,450**	**$106,450**	**$106,450**	**$106,450**	**$106,450**
FULL-TIME-EQUIVALENT POSITIONS (FTE):		**1.4**	**1.4**	**1.4**	**1.4**	**1.4**

DESCRIPTION

The Administrative and Support costs 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: 25%
Deputy Director: 10%
Staff Services Officer: 100%
Senior Investigator: 5%

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

		Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
GRAND TOTALS						
Objects of Expense						
1001	SALARIES AND WAGES	$103,350	$103,350	$103,350	$103,350	$103,350
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	**$106,450**	**$106,450**	**$106,450**	**$106,450**	**$106,450**
Method of Financing						
1	General Revenue Fund	$106,450	$106,450	$106,450	$106,450	$106,450
	Total, Method of Financing	**$106,450**	**$106,450**	**$106,450**	**$106,450**	**$106,450**
	Full-Time-Equivalent Positions (FTE)	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**