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Board on Judicial Standards

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AT A GLANCE

The Board on Judicial Standards:

- Investigates complaints of judicial misconduct or disability
- Seeks or imposes discipline on judges when appropriate
- Advises and educates judges on proper conduct
- Has jurisdiction over all Minnesota trial and appellate judges (315 positions), retired judges in active service (92), referees, and other judicial officers.

PURPOSE

The mission of the Board on Judicial Standards is to maintain public confidence in the integrity and impartiality of the Minnesota judiciary by enforcing the Minnesota Code of Judicial Conduct and by educating and advising judges how to comply with the Code.

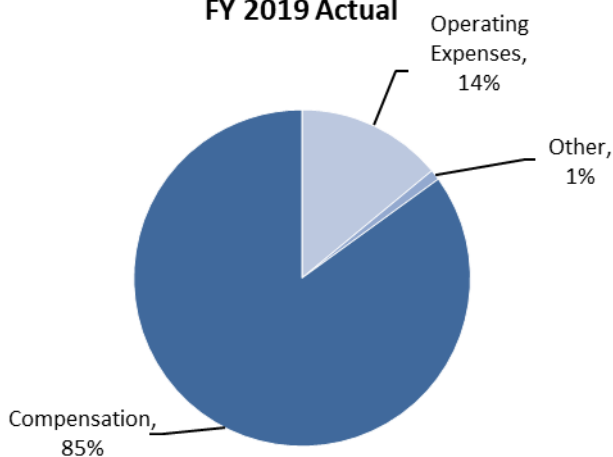
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in our judicial system directly depends on the proper conduct of our judges.

The Minnesota Constitution authorizes the Legislature to provide for the retirement or discipline of any judge who is disabled or guilty of conduct prejudicial to the administration of justice. The Legislature created the Board on Judicial Standards to carry out this task. The Minnesota Supreme Court adopted the Code of Judicial Conduct which sets forth the standards for judges to follow.

The Board has ten members: one judge from the Court of Appeals, three district court judges, two lawyers, and four citizens who are not judges or lawyers. All members are appointed by the Governor and, except for the judges, require confirmation by the Senate. The Board is supported by an Executive Secretary, a Staff Attorney, and an Executive Assistant.

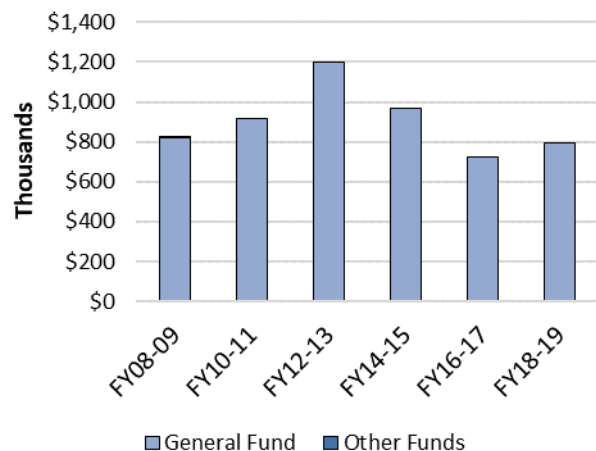
BUDGET

**Spending by Category
FY 2019 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

STRATEGIES

To accomplish its mission, the Board uses the following strategies:

- The Board promptly reviews complaints alleging judicial misconduct or disability, conducting investigations when necessary.
- The Board uses fair and open procedures that respect the judge’s right to due process.
- If the Board finds serious misconduct, the Board may issue a public reprimand; or, if the misconduct is isolated and non-serious, the Board may issue a private admonition.
- If the Board issues a private admonition, the judge may request a panel to consider the Board’s decision in a private hearing.
- In serious cases, the Board files a formal complaint against the judge, which can result in a public hearing by a panel and a recommendation to the Minnesota Supreme Court for discipline such as censure, suspension, or removal from office.
- The Board and its Executive Secretary advise and educate judges on applications of the Code of Judicial Conduct.
- The Board is not a substitute for the Court of Appeals. The Board does not review judicial decisions for legal error unless the judge acts in bad faith, or otherwise violates a provision of the code.

The Board continues to successfully reduce its expenditures for litigation by increasing its educational activities and through the thorough investigation and preparation of cases before seeking public discipline.

The Board continually strives to become more transparent to the judges, the public, and the Legislature. The board regularly updates its website with greatly revised and supplemented content to display more information about the Board’s activities and to provide better guidance on ethics issues faced by judges.

RESULTS

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Formal advisory opinions (published)	0	0	2018-2019
Quantity	Informal written advisory opinions to individual judges	123	122	2018-2019
Quantity	Supreme Court discipline	0	0	2018-2019
Quantity	Public reprimands	1	0	2018-2019
Quantity	Private admonitions, letters of caution, deferred dispositions	13	7	2018-2019

Performance Measures Notes:

The data shown is for calendar years 2018 (previous) and 2019 (current). The Board’s activities in previous years are described in the Board’s Annual Reports, available at the Board’s website.

The Minnesota Constitution authorizes the Legislature to “provide for the retirement, removal, or other discipline of any judge who is disabled, incompetent, or guilty of conduct prejudicial to the administration of justice.” Minn. Const. Art. 6, Sec. 9 (https://www.revisor.mn.gov/constitution/#article_6).

The 1971 Legislature created the Board on Judicial Standards to carry out this task. M.S. 490A.01-.03. (<https://www.revisor.mn.gov/statutes/cite/490A/pdf>). The Board operates under the Rules of Board on Judicial Standards adopted by the Minnesota Supreme Court.

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
<u>Expenditures by Fund</u>								
1000 - General	418	378	409	858	509	509	580	586
Total	418	378	409	858	509	509	580	586
Biennial Change				472		(249)		(101)
Biennial % Change				59		(20)		(8)
Governor's Change from Base								148
Governor's % Change from Base								15

Expenditures by Program

Judicial Standards Board	418	378	409	858	509	509	580	586
Total	418	378	409	858	509	509	580	586

Expenditures by Category

Compensation	306	322	334	351	336	334	385	389
Operating Expenses	112	53	76	507	173	175	195	197
Other Financial Transaction		2	0					
Total	418	378	409	858	509	509	580	586

Full-Time Equivalent

	2.28	2.60	2.58	2.35	2.10	2.10	2.60	2.60
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(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
1000 - General								
Balance Forward In	298	366	223	349				
Direct Appropriation	486	486	535	509	509	509	580	586
Cancellations		251						
Balance Forward Out	366	223	349					
Expenditures	418	378	409	858	509	509	580	586
Biennial Change in Expenditures				472		(249)		(101)
Biennial % Change in Expenditures				59		(20)		(8)
Governor's Change from Base								148
Governor's % Change from Base								15
Full-Time Equivalents	2.28	2.60	2.58	2.35	2.10	2.10	2.60	2.60

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
Direct				
Fund: 1000 - General				
FY2021 Appropriations	509	509	509	1,018
Forecast Base	509	509	509	1,018
Change Items				
Restoration of Staffing and Service Levels		71	77	148
Total Governor's Recommendations	509	580	586	1,166

Board on Judicial Standards

FY 2022-23 Biennial Budget Change Item

Change Item Title: Restoration of Staffing and Service Levels

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures	71	77	77	77
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	0	0	0	0
FTEs	0.5	0.5	0.5	0.5

Recommendation:

The Governor recommends \$71,000 in FY 2022 and \$77,000 in FY 2023 to maintain current staffing and service levels, convert one part-time position to full-time, cover expected retirement costs for an employee, meet increased space rental costs, ensure availability of required professional/technical services, and cover other operational cost increases. The funding provided in the second year may be transferred back to the first year to cover any non-recurring costs.

The requested increase is 13.9% of the Board’s FY 2020 base budget (operations and major investigations) for the first year and 15.1% for subsequent years.

Rationale/Background:

There are two main drivers of cost increases for the Board. The first is a personnel transition due to a retirement. The second is an agency relocation resulting in significant unanticipated expenses and increased rental costs. It is worth noting that payroll and rental costs are the first and second largest components, respectively, of the Board’s budget.

The following are significant factors related to the personnel transition:

- The retiring staff member has a broad skill set that allowed him to meet a variety of Board operational needs that would typically be met by hiring external professional/technical services.
- The broad range of responsibilities required of the position is expected to require additional costs in professional/technical consulting and training to ensure a smooth transition and continuity of Board operations.

The following factors are related to the location and space transition:

- In August 2019 the Board was notified by its landlord that the Board’s lease would not be renewed. This was unexpected, as the Board had rented office space at this location for 30 years and at a consistently low rate. The Board had not included any of the relocation expenses or increased rental costs in its previous biennial budget.

Proposal:

This recommendation provides funding to restore the Board's staffing and service levels, to address the increase in space rental costs, to ensure the availability of required professional/technical expertise and to cover other operating cost increases.

\$81,000 is recommended to fully fund Board staff positions and to restore appropriate staffing levels. These additional funds would be used to:

- Restore the executive assistant position to full-time. In FY 2021 the Board reduced the position from full-time to part-time (0.75) to assist in addressing a projected budget shortfall resulting from the Board's unexpected relocation expenses. However, the Board considers this to be unsustainable and a temporary adjustment only.
- Provide for the consulting and training necessary to ensure a smooth transition and operational continuity for the Board.
- Cover any compensation increases required if the Judicial Branch's request for a 3% increase in FY 2023 is enacted.

\$20,000 is recommended to fund a staff retirement payout. The staff member is planning to retire in early FY 2022.

\$28,000 is recommended to fund increased space rental costs. The Board had for many years enjoyed exceptionally reasonable rental rates. Its relocation has required that it now pay rental rates in line with current market rates. After an extensive search, the Board relocated to new space in April 2020. The current rental market rates resulted in an increase of 75% in rental costs for the FY2020-23 biennium over the costs of the Board's previous location. The Board's new lease also includes annual increases in rent, which was not the case at the Board's prior location. The Board has incurred significant, unplanned costs related to cabling, wiring, and transitioning to the new space.

\$16,000 is recommended to fund professional/technical services related to the staff transition and information technology support.

\$3,000 is recommended for other operational cost increases.

Results:

This proposal is intended to allow the Board on Judicial Standards to continue to provide current levels of service and information to the public.