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Board on Judicial Standards

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<http://www.bjs.state.mn.us/>

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 (90), 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.

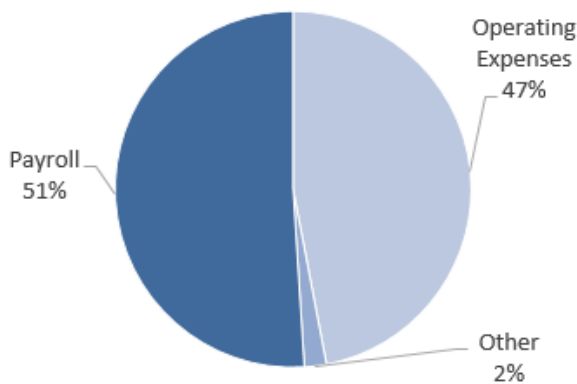
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in our judicial system directly depends on the proper conduct of our 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. The Board on Judicial Standards supports the statewide outcome of efficient and accountable government services.

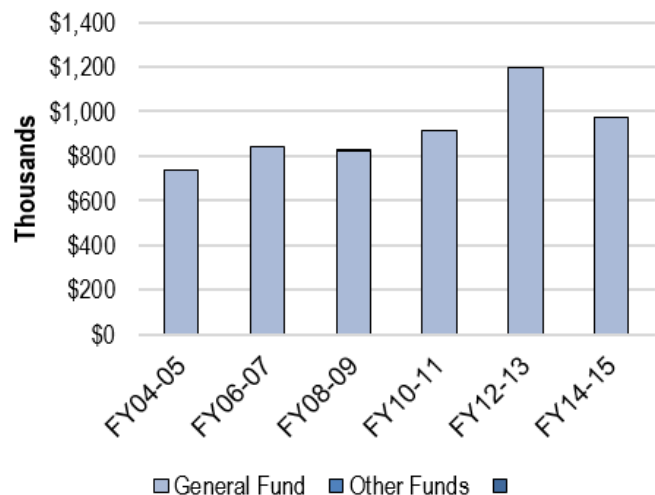
BUDGET

**Spending by Category
FY 15 Actual**



Source: BPAS

Historical Spending



Legend: General Fund (light blue), Other Funds (dark blue)

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 misconduct, the Board may issue a public reprimand or private discipline if the misconduct is isolated and non-serious.
- 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 appeal. The Board does not review judicial decisions for legal error unless the judge acts in bad faith.

Beginning in fiscal year 2014, the Board successfully reduced its expenditures for litigation by increasing its educational activities and through the thorough preparation of cases before seeking public discipline.

The Board continually strives to become more transparent to the judges, the public, and the Legislature. In 2013 the Board created a new 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)	2	2	2014-2015
Quantity	Informal advisory opinions to individual judges	93	83	2014-2015
Quantity	Supreme Court discipline	1	1	2014-2015
Quantity	Public reprimands	2	1	2014-2015
Quantity	Private admonitions, letters of caution, deferred dispositions	7	4	2014-2015
Quality	Beginning in 2014, informal advisory opinions that were formerly rendered orally are now usually rendered in writing, with more thorough citations and analysis.			2014-2015

Performance Measures Notes:

The data shown is for calendar years 2014 (previous) and 2015 (current). The Board's activities in previous years are described in the Board's Annual Reports, available at the Board's website at <http://www.bjs.state.mn.us/>.

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.

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/?id=490A&view=chapter&year=2013&keyword_type=all&keyword=490A.01

The Board operates under the Rules of Board (https://www.revisor.mn.gov/court_rules/rule.php?name=prstan-toh) on Judicial Standards adopted by the Minnesota Supreme Court.

(Dollars in Thousands)

Expenditures By Fund

	Actual FY14	Actual FY15	Actual FY16	Estimate FY17	Forecasted Base	
					FY18	FY19
1000 - General	516	454	378	689	486	486
2000 - Restrict Misc Special Revenue	0	0	0	0	0	0
Total	516	454	378	689	486	486
<i>Biennial Change</i>				97		(95)
<i>Biennial % Change</i>				10		(9)

Expenditures by Program

Program: Judicial Standards Board	516	454	378	689	486	486
Total	516	454	378	689	486	486

Expenditures by Category

Compensation	234	230	280	299	299	299
Operating Expenses	281	214	98	389	186	186
Other Financial Transactions		9		1	1	1
Total	516	454	378	689	486	486

Full-Time Equivalents

	2.0	2.2	2.6	2.6	2.6	2.6
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1000 - General

	Actual		Actual	Estimate	Forecast Base	
	FY14	FY 15	FY 16	FY17	FY18	FY19
Balance Forward In	0	93	95	203	0	0
Direct Appropriation	756	456	486	486	486	486
Cancellations	153	0	0	0	0	0
Expenditures	516	454	378	689	486	486
Balance Forward Out	87	95	203	0	0	0
<i>Biennial Change in Expenditures</i>				97		(95)
<i>Biennial % Change in Expenditures</i>				10		(9)
Full-Time Equivalents	2.0	2.2	2.6	2.6	2.6	2.6

2000 - Restrict Misc Special Revenue

	Actual		Actual	Estimate	Forecast Base	
	FY14	FY 15	FY 16	FY17	FY18	FY19
Receipts	0	0	0	0	0	0
Net Transfers	0	0	0	0	0	0
Expenditures	0	0	0	0	0	0
<i>Biennial Change in Expenditures</i>				0		0
<i>Biennial % Change in Expenditures</i>						(100)

Board on Judicial Standards

FY18-19 Biennial Budget Change Item

Change Item Title: Employee Salary and Fringe Costs

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	0	10	10	10
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	0	10	10	10
FTEs	0	0	0	0

Request:

The Board requests a budget increase in FY18-19 to pay for increases in salary and fringe costs.

The requested increase for FY18-19 is \$10,000, an increase of 1.3% compared to the previous biennium's appropriation.

Rationale/Background:

The Board has a relatively small budget. Compensation (salary and fringe) comprise the majority of this budget. Consequently, salary increases and significant increases in fringe and benefits are a significant factor in the Board's capacity to maintain its high level of service to the state, the judiciary, judges, and judicial officers. Board projects that it will be able to cover these costs in FY18, provided the additional funding is approved for the Executive Secretary's retirement payout. However, it is projected that a modest increase will be needed in FY19.

It is estimated that rent and costs of equipment and supplies will increase only modestly.

Proposal:

The change item will permit the Board to maintain the same high level of services it now provides.

Equity and Inclusion:

The change item does not disproportionately affect any protected groups.

IT Related Proposals:

The change item does not include any IT-related proposals.

Results:

If the change item is accepted, the Board will continue to provide services at the same high level it currently provides. If the change item is not accepted, the Board will probably have to reduce staff hours, significantly reducing the Board's level of services and potentially harming the Board's ability to serve the public and to provide oversight and education of judges and judicial officers.

Type of Measure	Name of Measure	Previous	Current	Dates
Quantity	Formal advisory opinions (published)	2	1	2015-2016
Quantity	Informal advisory opinions to individual judges	83	105	2015-2016
Quantity	Supreme Court discipline	1	0	2015-2016
Quantity	Public reprimands	1	1	2015-2016
Quantity	Private admonitions, letters of caution, deferred dispositions	4	3	2015-2016

Performance Measures Notes:

1. The data shown is for calendar year 2015 (previous) and calendar year 2016 (year-to-date 10/11/16) (current). The Board's activities in previous years are described in the Board's Annual Reports, available at the Board's website (<http://bjs.state.mn.us/>).
2. Beginning in 2014, informal advisory opinions that were formerly rendered only orally are now usually rendered in writing and based on thorough research and analysis. Judges have increasingly relied on this service by the Board.

Statutory Change(s):

The proposal will not require a statutory change.

Board on Judicial Standards

FY18-19 Biennial Budget Change Item

Change Item Title: Executive Secretary Retirement Payout

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	45	0	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	45	0	0	0
FTEs	0	0	0	0

Request:

The Board requests a budget increase in FY18-19 to pay for the projected severance payment to the Executive Secretary.

The requested increase for FY18-19 is \$45,000, an increase of 6.2% compared to the previous biennium.

Rationale/Background:

Because the Board has a relatively small budget, the anticipated retirement and severance payment to the Executive Secretary during the next biennium will have a significant effect on the budget. However, this effect will occur in only one year of the biennium. It is estimated that the severance payment will be approximately \$45,000 in FY18.

Proposal:

The change item will permit the Board to maintain the same high level of services it now provides.

Equity and Inclusion:

The change item does not disproportionately affect any protected groups.

IT Related Proposals:

The change item does not include any IT-related proposals.

Results:

If the change item is accepted, the Board will continue to provide services at the same high level it currently provides. If the change item is not accepted, the Board will probably have to lay off staff, significantly reducing the Board's level of services and potentially harming the Board's ability to serve the public and to provide oversight and education of judges and judicial officers.

Type of Measure	Name of Measure	Previous	Current	Dates
Quantity	Formal advisory opinions (published)	2	1	2015-2016
Quantity	Informal advisory opinions to individual judges	83	105	2015-2016
Quantity	Supreme Court discipline	1	0	2015-2016
Quantity	Public reprimands	1	1	2015-2016
Quantity	Private admonitions, letters of caution, deferred dispositions	4	3	2015-2016

Performance Measures Notes:

1. The data shown is for calendar year 2015 (previous) and calendar year 2016 (year-to-date 10/11/16) (current). The Board's activities in previous years are described in the Board's Annual Reports, available at the Board's website (<http://bjs.state.mn.us/>).
2. Beginning in 2014, informal advisory opinions, which were formerly rendered only orally by phone, are now usually rendered in writing and based on thorough research and analysis. Judges have increasingly relied on this service by the Board.

Statutory Change(s):

The proposal will not require a statutory change.