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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.

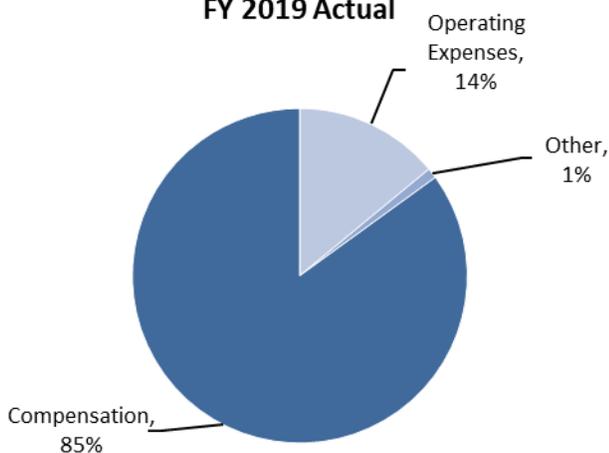
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in our judicial system directly depends on the proper conduct of our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

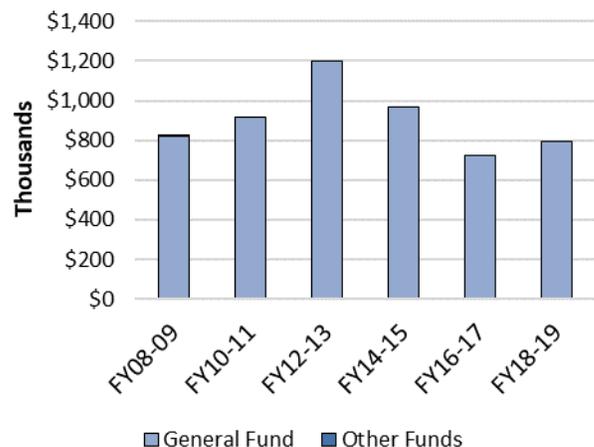
**BUDGET**

**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](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

**Expenditures by Fund**

1000 - General	418	378	409	858	509	509
<b>Total</b>	<b>418</b>	<b>378</b>	<b>409</b>	<b>858</b>	<b>509</b>	<b>509</b>
Biennial Change				472		(249)
Biennial % Change				59		(20)

**Expenditures by Program**

Judicial Standards Board	418	378	409	858	509	509
<b>Total</b>	<b>418</b>	<b>378</b>	<b>409</b>	<b>858</b>	<b>509</b>	<b>509</b>

**Expenditures by Category**

Compensation	306	322	334	351	336	334
Operating Expenses	112	53	76	507	173	175
Other Financial Transaction		2	0			
<b>Total</b>	<b>418</b>	<b>378</b>	<b>409</b>	<b>858</b>	<b>509</b>	<b>509</b>

**Full-Time Equivalent**

	2.28	2.60	2.58	2.35	2.10	2.10
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(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base	
					FY22	FY23
<b>1000 - General</b>						
Balance Forward In	298	366	223	349		
Direct Appropriation	486	486	535	509	509	509
Cancellations		251				
Balance Forward Out	366	223	349			
<b>Expenditures</b>	<b>418</b>	<b>378</b>	<b>409</b>	<b>858</b>	<b>509</b>	<b>509</b>
Biennial Change in Expenditures				472		(249)
Biennial % Change in Expenditures				59		(20)
Full-Time Equivalents	2.28	2.60	2.58	2.35	2.10	2.10

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
<b>Direct</b>				
<b>Fund: 1000 - General</b>				
FY2021 Appropriations	509	509	509	1,018
Forecast Base	509	509	509	1,018

# Board on Judicial Standards

## FY 2022-23 Biennial Budget Change Item

### Change Item Title: Restoration of Staffing and Service Levels

Fiscal Impact (\$000s)	FY 2020	FY 2021	FY 2022	FY 2023
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
<b>FTEs</b>	<b>.25</b>	<b>.5</b>	<b>.5</b>	<b>.5</b>

#### Request:

The funds will be used to restore current staffing and service levels, to meet increased rent costs, and to ensure availability of required professional/technical services. The Board seeks \$71,000 in FY2022 and \$77,000 in FY2023.

The requested increase is 13.9% of the Board’s FY2020 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 a 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 retiring staff member has always selected individual medical coverage. His replacement may select family insurance coverage, resulting in a substantial increase to the Board in payroll fringe costs.
- 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 request is for additional funds to restore the Board’s staffing and service levels, to address the increase in space rental costs, and to ensure the availability of required professional/technical expertise.

**\$30,000 is requested 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 FY2021 the Board reduced the position from fulltime 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 increased payroll fringe costs resulting from hiring a replacement for the executive assistant position. The current executive assistant has always selected individual medical insurance coverage. The difference between individual and family coverage in the FY2022-23 biennium is in the range of \$15,000.
- Provide for the consulting and training necessary to ensure a smooth transition and operational continuity for the Board.

**\$18,000 is requested to fund a staff retirement payout.**

A Board staff member is planning to retire in early FY2022. The Board will incur a severance payment obligation of approximately \$18,000. This assumes:

- The employee retires in early FY2022.
- The employee's salary adjustments are similar to those received historically.
- The employee's use of personal leave approximates historical usage.

**\$2,000 is requested to fund professional/technical services related to the staff transition.**

The executive assistant is responsible for most of the operational requirements of the Board. The position includes a wide range of responsibilities and requires a broad skill set. It is expected that some degree of external professional/technical services and training will be required to ensure a smooth transition for the new hire and operational continuity for the Board.

**\$7,000 is requested to fund professional/technical services related to information technology support.**

The current executive assistant has a degree in computer science and over 20 years of full-time experience in multiple areas of information technology. This has allowed him to provide a high level of technical support internally that was previously provided by external suppliers. The Board will again need to fund the costs of ensuring adequate technical support and operational continuity.

**\$14,000 is requested 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 also incurred significant, unplanned costs related to cabling, wiring, and transitioning to the new space.

**Results:**

The Board will have the capacity to restore its required level of staffing and maintain its high level of service.

**Statutory Change(s):**

None.