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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 (322 positions), retired judges in active service (106), judges of the Minnesota Tax Court (3), and the Workers’ Compensation Court of Appeals (5), the Chief Judge of the Office of Administrative Hearings (1), 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 on how to comply with the code.

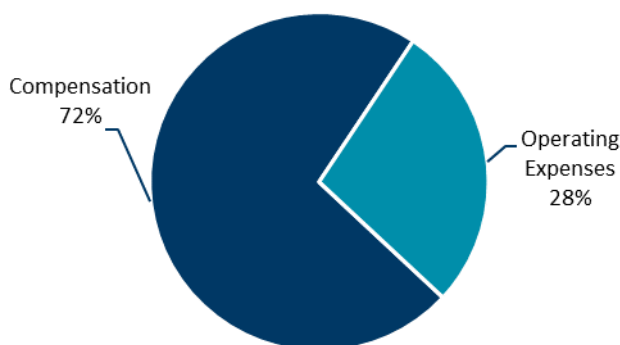
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in Minnesota’s judicial system directly depends on the proper conduct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

The Minnesota Constitution authorizes the Minnesota State 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.

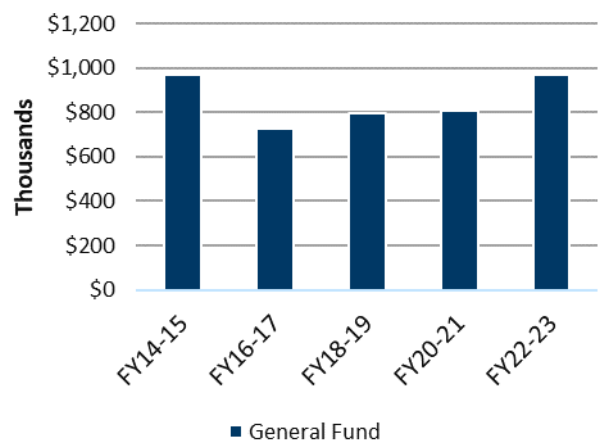
BUDGET

**Spending by Category
FY 2023 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

The Board is funded through an appropriation from the general fund. In fiscal year (FY) 2023, the Board received \$461,000 for its operating budget. In addition, a separate general fund appropriation, funded at \$125,000 per year, is available to pay the expenses of major cases, which often require the Board to retain private counsel, resulting in significant attorney fees.

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 or public reprimand, the judge may request a panel to consider the Board’s decision.
- 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 in its efforts to 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

| Measure name | Measure type | Measure data source | Historical trend | Most recent data |
|---|--------------|--|--|------------------|
| Complaints received and reviewed by Board | Quantity | Complaints are in paper form and are counted. | The number of complaints received is increasing. There was a 276 percent increase from 2021 to 2023. | 890 |
| Complaint files opened | Quantity | Each complaint file that is opened is entered into a database and a report is run. | The number of complaint files opened is increasing. There was a 37 percent increase from 2020 to 2023. | 45 |
| Informal written advisory opinions | Quantity | Informal advisory opinions are usually issued via email, and emails are counted. | The number of advisory opinions has remained consistent over the past two years. | 100 |
| Private discipline | Quantity | Private discipline is entered into a database and a report is run. | Private discipline has remained consistent over the past five years. | 10 |

Performance Measures Notes:

The data shown is for calendar year 2023. 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 FY22 | Actual FY23 | Actual FY24 | Estimate FY25 | Forecast Base | | Governor's Recommendation | |
|------------------------------------|----------------|----------------|----------------|------------------|---------------|------------|------------------------------|------------|
| | | | | | FY26 | FY27 | FY26 | FY27 |
| <u>Expenditures by Fund</u> | | | | | | | | |
| 1000 - General | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |
| Total | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |
| Biennial Change | | | | 582 | | (260) | | (229) |
| Biennial % Change | | | | 60 | | (17) | | (15) |
| Governor's Change from Base | | | | | | | | 31 |
| Governor's % Change from Base | | | | | | | | 2 |

Expenditures by Program

| | | | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Judicial Standards Board | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |
| Total | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |

Expenditures by Category

| | | | | | | | | |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Compensation | 374 | 379 | 401 | 383 | 424 | 439 | 434 | 460 |
| Operating Expenses | 71 | 144 | 165 | 601 | 221 | 206 | 221 | 206 |
| Total | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |

Full-Time Equivalent

| | | | | | | | | |
|--|------|------|------|------|------|------|------|------|
| | 2.74 | 2.91 | 2.60 | 2.60 | 2.40 | 2.20 | 2.40 | 2.20 |
|--|------|------|------|------|------|------|------|------|

(Dollars in Thousands)

| | Actual FY22 | Actual FY23 | Actual FY24 | Estimate FY25 | Forecast Base FY26 FY27 | | Governor's Recommendation FY26 FY27 | |
|-----------------------------------|----------------|----------------|----------------|------------------|----------------------------|------------|---|------------|
| 1000 - General | | | | | | | | |
| Balance Forward In | 249 | 384 | 250 | 339 | | | | |
| Direct Appropriation | 580 | 586 | 655 | 645 | 645 | 645 | 655 | 666 |
| Cancellations | | 197 | | | | | | |
| Balance Forward Out | 384 | 250 | 339 | | | | | |
| Expenditures | 445 | 523 | 566 | 984 | 645 | 645 | 655 | 666 |
| Biennial Change in Expenditures | | | | 582 | | (260) | | (229) |
| Biennial % Change in Expenditures | | | | 60 | | (17) | | (15) |
| Governor's Change from Base | | | | | | | | 31 |
| Governor's % Change from Base | | | | | | | | 2 |
| Full-Time Equivalents | 2.74 | 2.91 | 2.60 | 2.60 | 2.40 | 2.20 | 2.40 | 2.20 |

(Dollars in Thousands)

| | FY25 | FY26 | FY27 | Biennium 2026-27 |
|---|------------|------------|------------|---------------------|
| Direct | | | | |
| Fund: 1000 - General | | | | |
| FY2025 Appropriations | 645 | 645 | 645 | 1,290 |
| Forecast Base | 645 | 645 | 645 | 1,290 |
| Change Items | | | | |
| Operating Adjustment | | 10 | 21 | 31 |
| Total Governor's Recommendations | 645 | 655 | 666 | 1,321 |

Board on Judicial Standards

FY 2026-27 Biennial Budget Change Item

Change Item Title: Operating Adjustment

| Fiscal Impact (\$000s) | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|--|----------|----------|----------|----------|
| General Fund | | | | |
| Expenditures | 10 | 21 | 21 | 21 |
| Revenues | 0 | 0 | 0 | 0 |
| Other Funds | | | | |
| Expenditures | 0 | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 | 0 |
| Net Fiscal Impact = (Expenditures – Revenues) | 10 | 21 | 21 | 21 |
| FTEs | 0 | 0 | 0 | 0 |

Recommendation:

The Governor recommends additional funding of \$10,000 in FY 2026 and \$21,000 in each subsequent year from the general fund to help address operating cost increases at the Board on Judicial Standards.

Rationale/Background:

The cost of operations rises each year due to increases in employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on operating budgets that remain flat year to year. The Board faces challenging decisions to manage these rising costs within existing budgets, while maintaining the services Minnesotans expect. This recommendation provides additional resources to help address these cost pressures and pay for operations.

The Board is requesting this increase to fund retirement and resignation costs and support increasing costs. The costs drivers for this request include increases in compensation and insurance costs, the need to establish a retirement and resignation payout fund, and a rent increase in FY 2027. The Board has found ways to be more efficient with existing resources. In 2022, the Board implemented a new online complaint system which was intended to increase accessibility to the public and streamline the complaint process.

Proposal:

The Governor recommends increasing operating budgets to support current services. For the Board on Judicial Standards, this funding will help cover expected growth in employee compensation and insurance, and other operating costs.

Dollars in Thousands

| Net Impact by Fund | FY 26 | FY 27 | FY 26-27 | FY 28 | FY 29 | FY 28-29 |
|--------------------|-------|-------|----------|-------|-------|----------|
| General Fund | 10 | 21 | 31 | 21 | 21 | 42 |

Results:

This recommendation is intended to help the Board on Judicial Standards address rising cost pressures and mitigate impacts to current levels of service and information to the public.