

# JUDICIAL DISCIPLINE & DISABILITY COMMISSION

## Enabling Laws

Act 1785 of 2005

A.C.A. §21-5-204 et seq.

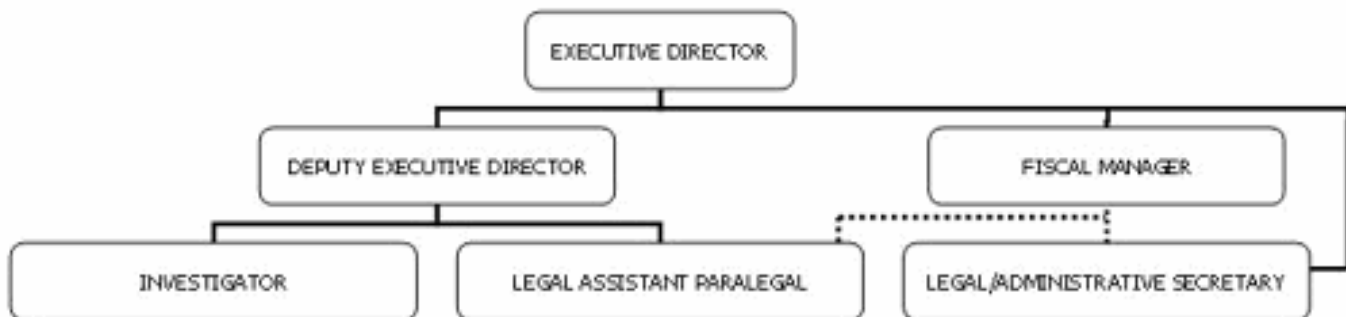
A.C.A. §21-5-101 et seq.

## History and Organization

The Arkansas Judicial Discipline and Disability Commission was created by the passage of Amendment 66 to the Arkansas Constitution in November 1988. This amendment was proposed by Senate Joint Resolution 5, and was adopted at the 1988 general election. Act 637 of 1989, the enabling legislation of the Commission, is A.C.A. §16-101-401 et seq.

The Arkansas Judicial Discipline and Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's purpose is to help enforce the high ethical standards of judicial conduct on and off the bench, and thereby preserve both the integrity of judges, and public confidence in the courts. In performing its functions, the Commission strives to maintain the necessary balance between judicial independence and public accountability.

The Arkansas Judicial Discipline and Disability Commission created a Judicial Ethics Advisory Committee on July 1, 1991. This committee issues advisory opinions to all judges and judicial candidates on matters concerning ethical issues. The committee allows individuals to receive advice on how to act appropriately in future matters.



## Agency Commentary

The Arkansas Judicial Discipline and Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's mission is to help enforce high standards of judicial conduct on and off the bench, in so doing preserving both the integrity of judges and public confidence in the judicial system.

The Commission requests 1) restoration of appropriation in Professional Fees to \$100,550 for fiscal year 2008 and \$100,550 for fiscal year 2009. 2) an increase of \$14,170 in Operating Expenses for fiscal year 2008 and \$17,002 in fiscal year 2009. The additional funds needed in Maintenance and Operations are due to increased rent, increased rate of reimbursement of mileage expense and increased rate of postage. The additional funds needed in Maintenance and Operations are also due to the increased cost of training and educating new board members and increased cost of charter travel for board members. In September of 2005, the Commission's lease was amended to include an additional five hundred and forty six (546) square feet needed to expand the existing hearing room. The original hearing room and file cabinet area was five hundred and forty two (542) square feet. In an internal review study completed in 2005, the Commission members expressed concerns of safety and adequacy when conducting hearings involving judges and the complaining parties. The original hearing room required the Commission members, who were at times acting as a jury, to sit within one to two feet from witnesses and the respondent judge. And on occasion there was only two (2) feet separating the judge from the complainant during hearings. The new hearing room, which includes space for witnesses and the public, is 1088 square feet.

## Audit Findings

DIVISION OF LEGISLATIVE AUDIT  
 AUDIT OF :  
 JUDICIAL DISCIPLINE AND DISABILITY COMMISSION  
 FOR THE YEAR ENDED JUNE 30, 2005

| Findings | Recommendations |
|----------|-----------------|
| None     | None            |

## Employment Summary

|                         | Male | Female | Total | %     |
|-------------------------|------|--------|-------|-------|
| White Employees         | 3    | 1      | 4     | 67 %  |
| Black Employees         | 0    | 2      | 2     | 33 %  |
| Other Racial Minorities | 0    | 0      | 0     | 0 %   |
| Total Minorities        |      |        | 2     | 33 %  |
| Total Employees         |      |        | 6     | 100 % |

## Publications

### A.C.A 25-1-204

| Name                     | Statutory Authorization | Required for |                  | # Of Copies | Reason (s) for Continued Publication and Distribution |
|--------------------------|-------------------------|--------------|------------------|-------------|---|
|                          |                         | Governor     | General Assembly |             |   |
| Annual Mission Statement | A.C.A. §16-10-404       | Y            | Y                | 10          | Required by Law                                       |
| Annual Report            | A.C.A. §16-10-404       | Y            | Y                | 150         | Required by Law                                       |

**Agency Position Usage Report**

| FY2004-2005       |          |          |       |            |                        | FY2005-2006       |          |          |       |            |                        | FY2006-2007       |          |          |       |            |                        |
|-------------------|----------|----------|-------|------------|------------------------|-------------------|----------|----------|-------|------------|------------------------|-------------------|----------|----------|-------|------------|------------------------|
| Authorized in Act | Budgeted |          |       | Unbudgeted | % of Authorized Unused | Authorized in Act | Budgeted |          |       | Unbudgeted | % of Authorized Unused | Authorized in Act | Budgeted |          |       | Unbudgeted | % of Authorized Unused |
|                   | Filled   | Unfilled | Total | Total      |                        |                   | Filled   | Unfilled | Total | Total      |                        |                   | Filled   | Unfilled | Total | Total      |                        |
| 6                 | 6        | 0        | 6     | 0          | 0.00%                  | 6                 | 6        | 0        | 6     | 0          | 0.00%                  | 6                 | 6        | 0        | 6     | 0          | 0.00%                  |

## **Analysis of Budget Request**

**Appropriation:** 913 - Judicial Discipline - Operations

**Funding Sources:** HUA - Miscellaneous Agencies Fund

The Arkansas Judicial Discipline & Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's purpose is to help enforce the high standards of judicial on and off the bench, and thereby preserve both the integrity of judges, and public confidence in the courts. In performing its functions, the Commission strives to maintain the necessary balance between judicial independence and public accountability.

Base Level does not include a cost of living increase pending the Classification and Compensation Study. FY07 salary levels have been held flat each year for all incumbents. Personal Services Matching reflects an increase in Base Level due to slight increases in Worker's Compensation and Unemployment Tax rates. Also, Personal Services Matching includes a \$30 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$350 per month.

The Commission is requesting \$14,170 in FY08 and \$17,002 in FY09 for Operating Expenses due to increases in rent, mileage and postage. The increase also includes the expenses associated with training and educating new board members and for increased cost of charter travel for board members. The leasing of an additional 546 square feet of office space bringing the total office space to 1,088 square feet is needed to facilitate an adequate hearing room. The request for additional Operating Expenses also includes the replacement of two computers and the purchase of a projector. The Commission is requesting to restore the appropriation in Professional Fees to \$100,550 each year to cover the cost of legal fees and services that may need to be rendered in addition to services provided by the Attorney General's Office.

The Executive Recommendation recommends \$8,586 in FY08 and \$10,926 in FY09 in Operating Expenses for increased rent expenses. The Executive Recommendation does not recommend restoring the Professional Fees line item to \$100,550 each year and does not recommend \$5,584 in FY08 and \$6,076 in FY09 in the Operating Expense line item.

In summary the Executive Recommendation for new general revenue above the Base Level is:

- \$8,586 in FY08 and \$10,926 in FY09 in Operating Expenses for increased rent expenses

## Appropriation Summary

**Appropriation:** 913 Judicial Discipline - Operations  
**Funding Sources:** HUA - Miscellaneous Agencies Fund

| Commitment Item                      | Historical Data     |                     |                         | Agency Request and Executive Recommendation |                |                |                |                |                |
|--------------------------------------|---------------------|---------------------|-------------------------|---|----------------|----------------|----------------|----------------|----------------|
|                                      | 2005-2006<br>Actual | 2006-2007<br>Budget | 2006-2007<br>Authorized | 2007-2008                                   |                |                | 2008-2009      |                |                |
|                                      |                     |                     |                         | Base Level                                  | Agency         | Executive      | Base Level     | Agency         | Executive      |
| Regular Salaries 5010000             | 292,215             | 299,619             | 299,619                 | 299,619                                     | 299,619        | 299,619        | 299,619        | 299,619        | 299,619        |
| <b>#Positions</b>                    | <b>6</b>            | <b>6</b>            | <b>6</b>                | <b>6</b>                                    | <b>6</b>       | <b>6</b>       | <b>6</b>       | <b>6</b>       | <b>6</b>       |
| Personal Services Matching 5010003   | 82,031              | 83,617              | 79,369                  | 85,873                                      | 85,873         | 85,873         | 85,873         | 85,873         | 85,873         |
| Operating Expenses 5020002           | 75,016              | 75,565              | 75,565                  | 75,565                                      | 89,735         | 84,151         | 75,565         | 92,567         | 86,491         |
| Conference & Travel Expenses 5050009 | 7,663               | 8,125               | 8,125                   | 8,125                                       | 8,125          | 8,125          | 8,125          | 8,125          | 8,125          |
| Professional Fees 5060010            | 5,485               | 96,710              | 100,550                 | 96,710                                      | 100,550        | 96,710         | 96,710         | 100,550        | 96,710         |
| Data Processing 5090012              | 600                 | 1,200               | 1,200                   | 1,200                                       | 1,200          | 1,200          | 1,200          | 1,200          | 1,200          |
| Capital Outlay 5120011               | 0                   | 0                   | 0                       | 0   | 0              | 0              | 0              | 0              | 0              |
| Mileage for Investigator 5900046     | 3,397               | 5,080               | 5,080                   | 5,080                                       | 5,080          | 5,080          | 5,080          | 5,080          | 5,080          |
| <b>Total</b>                         | <b>466,407</b>      | <b>569,916</b>      | <b>569,508</b>          | <b>572,172</b>                              | <b>590,182</b> | <b>580,758</b> | <b>572,172</b> | <b>593,014</b> | <b>583,098</b> |
| <b>Funding Sources</b>               |                     |                     |                         |   |                |                |                |                |                |
| General Revenue 4000010              | 466,407             | 569,508             |                         | 572,172                                     | 590,182        | 580,758        | 572,172        | 593,014        | 583,098        |
| Merit Adjustment Fund 4000055        | 0                   | 408                 |                         | 0   | 0              | 0              | 0              | 0              | 0              |
| <b>Total Funding</b>                 | <b>466,407</b>      | <b>569,916</b>      |                         | <b>572,172</b>                              | <b>590,182</b> | <b>580,758</b> | <b>572,172</b> | <b>593,014</b> | <b>583,098</b> |
| Excess Appropriation/(Funding)       | 0                   | 0                   |                         | 0   | 0              | 0              | 0              | 0              | 0              |
| <b>Grand Total</b>                   | <b>466,407</b>      | <b>569,916</b>      |                         | <b>572,172</b>                              | <b>590,182</b> | <b>580,758</b> | <b>572,172</b> | <b>593,014</b> | <b>583,098</b> |

The FY07 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2005-2007 biennium.

## Change Level by Appropriation

**Appropriation:** 913-Judicial Discipline - Operations  
**Funding Sources:** HUA - Miscellaneous Agencies Fund

### Agency Request

| Change Level |                   | 2007-2008      | Pos      | Cumulative     | % of BL      | 2008-2009      | Pos      | Cumulative     | % of BL      |
|--------------|-------------------|----------------|----------|----------------|--------------|----------------|----------|----------------|--------------|
| <b>BL</b>    | <b>Base Level</b> | <b>572,172</b> | <b>6</b> | <b>572,172</b> | <b>100.0</b> | <b>572,172</b> | <b>6</b> | <b>572,172</b> | <b>100.0</b> |
| C01          | Existing Program  | 16,577         | 0        | 588,749        | 102.9        | 19,409         | 0        | 591,581        | 103.3        |
| C08          | Technology        | 1,433          | 0        | 590,182        | 103.1        | 1,433          | 0        | 593,014        | 103.6        |

### Executive Recommendation

| Change Level |                   | 2007-2008      | Pos      | Cumulative     | % of BL      | 2008-2009      | Pos      | Cumulative     | % of BL      |
|--------------|-------------------|----------------|----------|----------------|--------------|----------------|----------|----------------|--------------|
| <b>BL</b>    | <b>Base Level</b> | <b>572,172</b> | <b>6</b> | <b>572,172</b> | <b>100.0</b> | <b>572,172</b> | <b>6</b> | <b>572,172</b> | <b>100.0</b> |
| C01          | Existing Program  | 8,586          | 0        | 580,758        | 101.5        | 10,926         | 0        | 583,098        | 101.9        |
| C08          | Technology        | 0              | 0        | 580,758        | 101.5        | 0              | 0        | 583,098        | 101.9        |

### Justification

|     |  |
|-----|--|
| C01 | An increase in Operating Expenses for \$11,152 in FY08 and \$13,984 in FY09 is needed to cover increased rent, mileage reimbursements and postage. The leasing of 546 additional square feet of office space is necessary to facilitate an adequate hearing room. An increase in Operating Expenses for \$1,585 each year is needed to train/educate new board members and for increased cost associated with charter travel. Also, \$3,840 in Professional Fees is needed to restore the line item back to the FY07 authorized level of \$100,550 to cover the costs of legal fees and services that may need to be rendered in addition to services provided by the Attorney General's Office. |
| C08 | An increase in Operating Expenses by \$1,433 each year is needed to replace two computers and purchase a projector for power point presentations.  |