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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 (99), 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 how to comply with the Code.

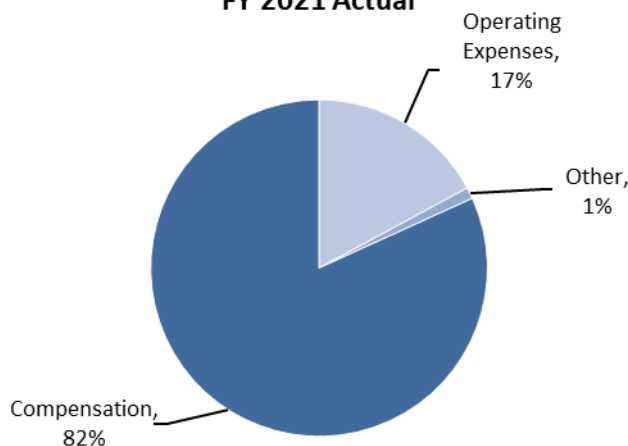
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in our judicial system directly depends on the proper conduct of our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

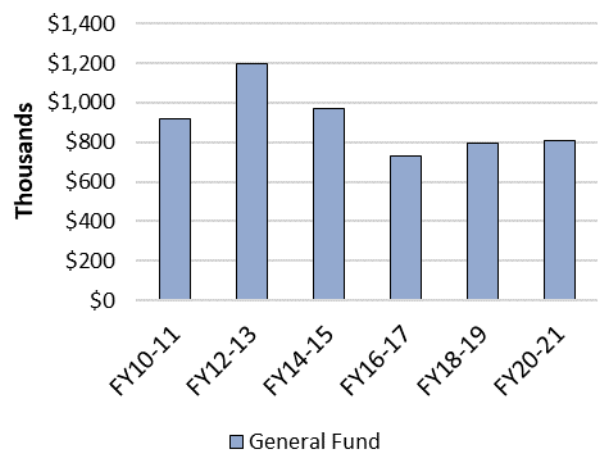
**BUDGET**

**Spending by Category  
FY 2021 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	Complaints received and reviewed by Board	158	237	2020-2021
Quantity	Complaint files opened	33	41	2020-2021
Quantity	Informal written advisory opinions to individual judges	150	167	2020-2021
Quantity	Public reprimands	1	1	2020-2021
Quantity	Private admonitions, letters of caution, deferred dispositions	8	9	2020-2021

Performance Measures Notes:

The data shown is for calendar years 2020 and 2021. 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 FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
<b><u>Expenditures by Fund</u></b>								
1000 - General	409	401	445	970	586	586	655	645
<b>Total</b>	<b>409</b>	<b>401</b>	<b>445</b>	<b>970</b>	<b>586</b>	<b>586</b>	<b>655</b>	<b>645</b>
Biennial Change				605		(243)		(115)
Biennial % Change				75		(17)		(8)
Governor's Change from Base								128
Governor's % Change from Base								11

**Expenditures by Program**

Judicial Standards Board	409	401	445	970	586	586	655	645
<b>Total</b>	<b>409</b>	<b>401</b>	<b>445</b>	<b>970</b>	<b>586</b>	<b>586</b>	<b>655</b>	<b>645</b>

**Expenditures by Category**

Compensation	334	328	374	389	391	380	448	434
Operating Expenses	76	69	71	581	195	206	207	211
Other Financial Transaction	0	4						
<b>Total</b>	<b>409</b>	<b>401</b>	<b>445</b>	<b>970</b>	<b>586</b>	<b>586</b>	<b>655</b>	<b>645</b>

**Full-Time Equivalent**

	2.58	2.36	2.74	2.80	2.40	2.40	2.80	2.80
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
<b>1000 - General</b>								
Balance Forward In	223	351	249	384				
Direct Appropriation	535	509	580	586	586	586	655	645
Cancellations		210						
Balance Forward Out	349	249	384					
<b>Expenditures</b>	<b>409</b>	<b>401</b>	<b>445</b>	<b>970</b>	<b>586</b>	<b>586</b>	<b>655</b>	<b>645</b>
Biennial Change in Expenditures				605		(243)		(115)
Biennial % Change in Expenditures				75		(17)		(8)
Governor's Change from Base								128
Governor's % Change from Base								11
Full-Time Equivalents	2.58	2.36	2.74	2.80	2.40	2.40	2.80	2.80

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
<b>Direct</b>				
<b>Fund: 1000 - General</b>				
FY2023 Appropriations	586	586	586	1,172
Forecast Base	586	586	586	1,172
<b>Change Items</b>				
Maintain Current Service Levels		69	59	128
<b>Total Governor's Recommendations</b>	<b>586</b>	<b>655</b>	<b>645</b>	<b>1,300</b>

# Board on Judicial Standards

## FY 2024-25 Biennial Budget Change Item

### Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	69	59	59	59
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	69	59	59	59
<b>FTEs</b>	<b>0.4</b>	<b>0.4</b>	<b>0.4</b>	<b>0.4</b>

### Recommendation:

The Governor recommends additional funding of \$69,000 in FY 2024 and \$59,000 in each subsequent year from the general fund to maintain the current level of service delivery at Board on Judicial Standards.

### Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For the Board on Judicial Standards, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain our current staff compliment in a challenging labor market, and increasing IT costs. If an operational increase is not provided, the services the Board on Judicial Standards delivers to Minnesotans will be impacted.

### Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For the Board on Judicial Standards, this funding will cover retirement assistance, salary increases, insurance cost increases, rent increases, MNIT rate increases, and the replacement of furniture and office equipment that is at the end of their respective service lives.

### 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.