

Table of Contents
2016-17 Biennial Budget – Judicial Standards, Board on

Agency Profile – Judicial Standards, Board on 1

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, 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.

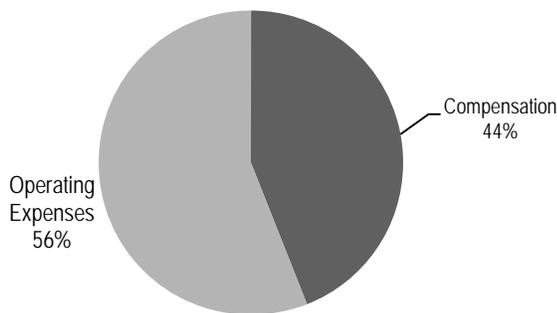
A society cannot function without a fair and effective way to resolve disputes. Acceptance of judicial rulings is based on public recognition that the judiciary and the court system are worthy of respect and trust. Public confidence in our judicial system directly depends on the proper conduct of our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

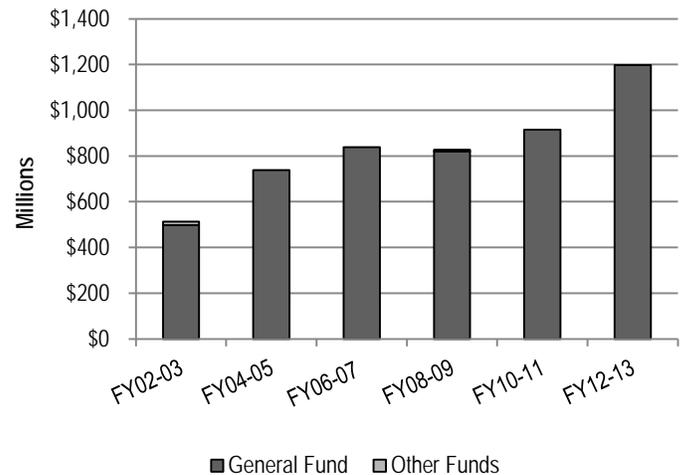
BUDGET

**Spending by Category
FY 13 Actual**



Source: SWIFT

Historical Spending



Source: Consolidated Fund State

The Board is wholly funded by the state general fund. FY 2013 expenditures totaled \$496,000.

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 charges 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 advises and educates judges on the application 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 there is fraud, corrupt motive, or bad faith.

Beginning in 2013, the Board has attempted to reduce expenditures for outside counsel by increased use of contract employees for investigations and 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, and greatly revised and supplemented website 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 | 2 | 2012-2013 |
| Quantity | Informal advisory opinions to individual judges | 80 | 67 | 2012-2013 |
| Quantity | Supreme Court discipline | 0 | 0 | 2012-2013 |
| Quantity | Public reprimands | 0 | 1 | 2012-2013 |
| Quantity | Private admonitions and letters of caution | 7 | 5 | 2012-2013 |
| Quantity | Active investigations or litigation involving serious matters | 1 | 5 | 2012-2013 |

Performance Measures Notes:

The data shown is for calendar years 2012 (previous) and 2013 (current). The Board's activities in previous years are described in the Board's Annual Reports, available 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 the Board on Judicial Standards adopted by the Minnesota Supreme Court.