

# JUDICIAL DISCIPLINE & DISABILITY COMMISSION

## Enabling Laws

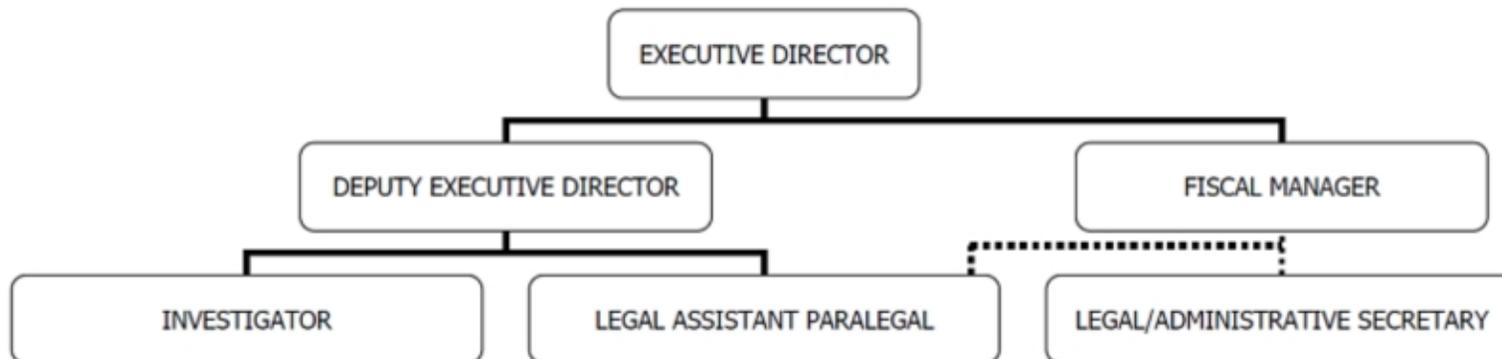
Act 76 of 2014  
A.C.A. §21-5-204 et seq.  
A.C.A. §21-5-101 et seq.

## 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.

It is essential that the Arkansas Judicial Discipline and Disability Commission employ and maintain qualified individuals who can provide the expertise needed to reach the Commission's objectives. The Commission believes that the current salary for the position of Fiscal Manager does not commensurate with the level of responsibility, years of experience, education level above the minimum qualifications and continuous training. The Commission request that the salary of the fiscal manager be increased to 6% above Midpoint for the current grade level on the FY2016 Career Service Pay Plan effective July 1, 2015. The Commission's Deputy Director has extensive litigation experience which is valuable to analyzing Judicial Discipline and Disability Commission cases. Her pay is lower than similar positions in other government agencies. The Commission's Paralegal has 14 years of experience with the Commission. She has been here for all three Executive Directors, new Code and Rule revisions, and has instrumental knowledge of all major discipline cases during her tenure. She also updates and manages the Commission's database system. The Commission's Legal Secretary has been with the Commission for 10 years. Her superior transcriptionist skills have saved the Commission outside expenses during major cases. She handles citizen calls and office visits, correspondence on behalf of Executive Director as well as other duties.

The Commission requests employees in the positions of Deputy Executive Director, Fiscal Manager, Paralegal and Legal/Administrative Secretary at their current pay grade be moved to Midpoint or above on the Career Service Pay Plan and Professional and Executive Pay Plan scale for FY16 and FY17. The Commission request that the employee serving as Investigator receive an increase of 3% in salary. The Commission is not seeking additional salary for the Executive Director.

In addition to Base Level the Agency is requesting the following:

An increase in Regular Salaries and Personal Service Matching and an increase in Maintenance and Operations for FY16 and FY17.

The Commission also request an increase of \$5,000 in FY16 and an increase of \$5,000 in FY17 in Maintenance and Operations. The additional funds needed are due to increased rent of facility and increased rent of office equipment over the next two years. As a result of more members living outside of the metro area and new members who require additional training, additional funds are needed for board member expenses.

## Audit Findings

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION  
FOR THE YEAR ENDED JUNE 30, 2013

Findings	Recommendations
None	None

## State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2014

None

## Employment Summary

	Male	Female	Total	%
White Employees	2	2	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. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		Governor	General Assembly				
Annual Mission Statement	A.C.A. §16-10-404	Y	Y	10	Required by Law	0	0.00
Annual Report	A.C.A. §16-10-404	Y	Y	10	Required by Law	0	0.00

## Agency Position Usage Report

FY2012 - 2013						FY2013 - 2014						FY2014 - 2015					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	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. This appropriation is funded entirely by General Revenue.

Base Level Regular Salaries and Personal Services Matching include continuation of the previously authorized 2015 1% Cost of Living Adjustment and Career Service Payments for eligible employees. Personal Services Matching also includes a \$10 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$420 per month. Base Level salaries and matching do not include appropriation for Merit Pay Increases. The Base Level salary of unclassified positions reflects the FY15 line item maximum plus the previously authorized 2015 1% Cost of Living Adjustment.

Base Level includes appropriation and general revenue funding of \$686,221 in FY16 and \$686,343 in FY17 with six (6) Regular Positions.

The Agency's Change Level Request provides for \$42,034 in both years of the biennium and are summarized below:

- Regular Salaries and Personal Service Matching totaling \$37,034 for employee pay increases
- Operating Expenses totaling \$5,000 for increased facility and office equipment rent and board member expenses

The Executive Recommendation provides for Base Level in addition to \$5,000 in Operating Expenses appropriation with no new general revenue funding.

## Appropriation Summary

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

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

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2013-2014 Actual	2014-2015 Budget	2014-2015 Authorized	2015-2016			2016-2017		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	375,509	364,760	366,509	368,572	398,812	368,572	368,672	398,912	368,672
<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	114,268	111,263	109,969	113,059	119,853	113,059	113,081	119,875	113,081
Operating Expenses 5020002	83,551	83,720	83,720	83,720	88,720	88,720	83,720	88,720	88,720
Conference & Travel Expenses 5050009	8,079	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125
Professional Fees 5060010	18,594	84,665	84,665	84,665	84,665	84,665	84,665	84,665	84,665
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Investigator Expenses 5900046	20,264	28,080	28,080	28,080	28,080	28,080	28,080	28,080	28,080
<b>Total</b>	<b>620,265</b>	<b>680,613</b>	<b>681,068</b>	<b>686,221</b>	<b>728,255</b>	<b>691,221</b>	<b>686,343</b>	<b>728,377</b>	<b>691,343</b>
<b>Funding Sources</b>									
General Revenue 4000010	620,265	680,613		686,221	728,255	686,221	686,343	728,377	686,343
Total Funding	620,265	680,613		686,221	728,255	686,221	686,343	728,377	686,343
Excess Appropriation/(Funding)	0	0		0	0	5,000	0	0	5,000
Grand Total	620,265	680,613		686,221	728,255	691,221	686,343	728,377	691,343

FY15 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2013-2015 Biennium.

## Change Level by Appropriation

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

### Agency Request

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>686,221</b>	<b>6</b>	<b>686,221</b>	<b>100.0</b>	<b>686,343</b>	<b>6</b>	<b>686,343</b>	<b>100.0</b>
C01	Existing Program	42,034	0	728,255	106.1	42,034	0	728,377	106.1

### Executive Recommendation

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>686,221</b>	<b>6</b>	<b>686,221</b>	<b>100.0</b>	<b>686,343</b>	<b>6</b>	<b>686,343</b>	<b>100.0</b>
C01	Existing Program	5,000	0	691,221	100.7	5,000	0	691,343	100.7

### Justification

C01	Change level includes \$37,034 in additional salary and matching. The pay increases better match the employees responsibilities, years of experience, education levels and training recieved. It is essential the commission employ and maintain qualified individuals who can provide the expertise needed to reach the commission's objectives. An additional \$5,000 is requested in Operating Expenses. \$4,460 is due to an increase in rent of facility and office equipment. \$540 is due to an increase in Board member expenses.
-----	---