

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Enabling Laws

Act 151 of 2010

A.C.A. §21-5-204 et seq.

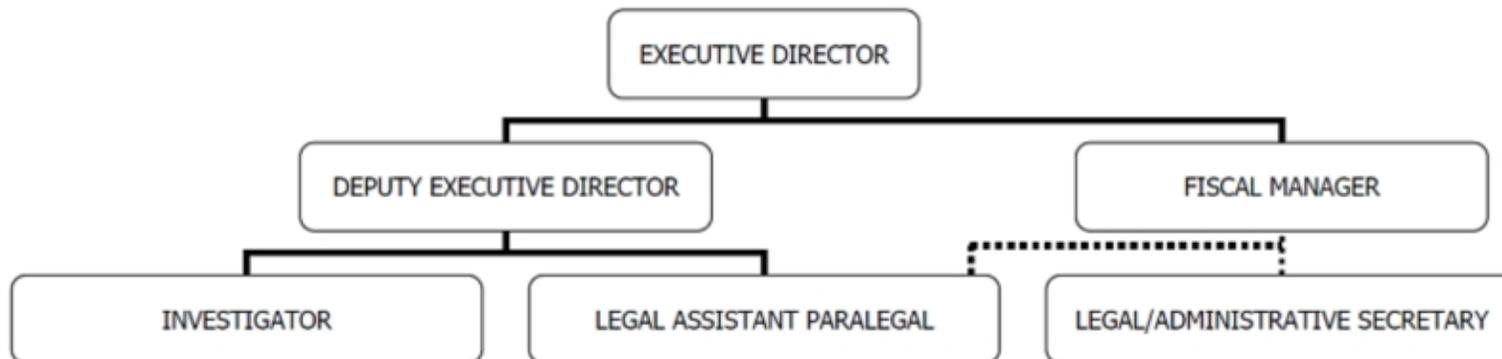
A.C.A. §21-5-101 et seq.

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 a reallocation of \$21,000 in both fiscal years 2012 and 2013 from Maintenance and Operations to the Miscellaneous Commitment Item for "Mileage for Investigator." In addition, the Agency requests to change the name of this Miscellaneous Commitment Item from "Mileage for Investigator" to "Investigator Expenses." Although this Miscellaneous Commitment Item is currently only used to account for the Investigator Mileage Expenses, the agency would like to use this Commitment Item to pay for all Investigator Related Expenses, not only including mileage, but also for expenses related to witnesses, witness fees, printing cost, postage, cellular phones, office supplies and travel expense such as hotel and food purchases. The Commission would like to maintain the current levels of appropriation in Operating Expenses, Conference & Travel Expense and Professional Fees.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

Recommendations

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

FY2008 - 2009						FY2009 - 2010					FY2010 - 2011						
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 salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of the unclassified position reflects the FY11 line item maximum.

Base Level includes appropriation and general revenue funding of \$649,487 each year with 6 Regular Positions.

The Commission's Change Level request includes changing the title of the Miscellaneous Commitment Item from "Mileage for Investigator" to "Investigator Expenses." Additionally, the Commission requests a reallocation of \$21,000 from the Operating Expenses Line Item to the newly titled Miscellaneous Commitment Item for Investigator Expenses. This request will enable the Commission to capture all Investigation related expenses (including both travel and non travel related expenses) in one line item.

The Executive Recommendation provides for the Agency Request.

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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	339,537	342,197	347,484	345,568	345,568	345,568	345,568	345,568	345,568
#Positions		6	6	6	6	6	6	6	6	6
Personal Services Matching	5010003	91,528	96,896	95,435	97,782	97,782	97,782	97,782	97,782	97,782
Operating Expenses	5020002	102,295	106,267	106,267	106,267	85,267	85,267	106,267	85,267	85,267
Conference & Travel Expenses	5050009	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125
Professional Fees	5060010	17,049	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	7,080	7,080	7,080	7,080	28,080	28,080	7,080	28,080	28,080
Total		565,614	645,230	649,056	649,487	649,487	649,487	649,487	649,487	649,487
Funding Sources										
General Revenue	4000010	565,614	645,230		649,487	649,487	649,487	649,487	649,487	649,487
Total Funding		565,614	645,230		649,487	649,487	649,487	649,487	649,487	649,487
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		565,614	645,230		649,487	649,487	649,487	649,487	649,487	649,487

The FY11 Budget Amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-11 biennium.

*Agency requests miscellaneous commitment item title change from "Mileage for Investigator" to "Investigator Expenses".

Change Level by Appropriation

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

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	649,487	6	649,487	100.0	649,487	6	649,487	100.0
C04	Reallocation	0	0	649,487	100.0	0	0	649,487	100.0

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	649,487	6	649,487	100.0	649,487	6	649,487	100.0
C04	Reallocation	0	0	649,487	100.0	0	0	649,487	100.0

Justification

C04	The Commission requests to change the description of the Miscellaneous Commitment Item from "Mileage for Investigator" to "Investigator Expenses." Although this Miscellaneous Commitment Item is currently only used for to account for the Investigator Mileage Expenses, the Commission would like to use this Commitment Item to pay for all Investigator Related Expenses, not only for mileage related expenses, but also all Investigator related office and travel expenses. Accordingly, the Commission also requests a reallocation of appropriation in the amount of \$21,000 in both fiscal years 2012 and 2013 from the Maintenance and Operations line item to the newly titled Miscellaneous Commitment Item for Investigator Expenses.
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