

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Enabling Laws

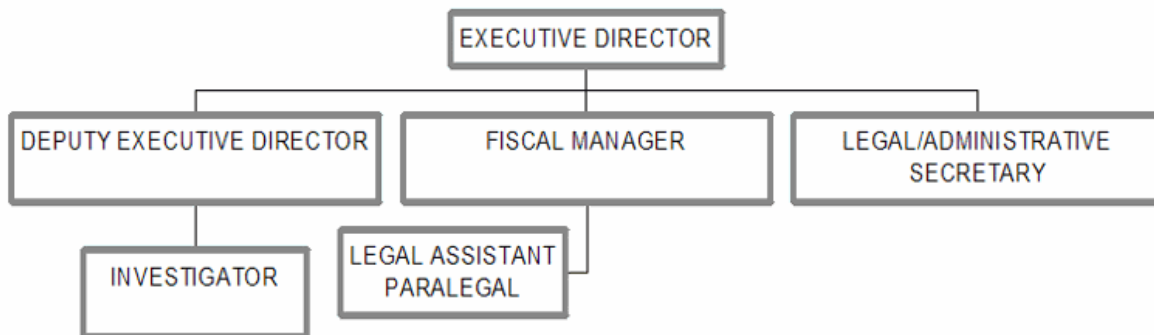
Act 1012 of 2003.
AR Code §§ 21-5-204 et seq
AR Code §§ 21-5-101

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 codified as Section 16-10-401 to 411 of the Arkansas Code Annotated.

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. Over the course of the past five years, the Commission has about doubled its workload. In addition to the increased workload, the matters presented tend to be more complex in nature. In order for the Commission to

continue to achieve its mission, it is necessary to employ and maintain qualified individuals who can provide the efficiency needed to reach the Commission's objectives.

The Arkansas Judicial Discipline and Disability Commission is requesting a salary adjustment for one (1) of its unclassified (Grade 99) positions. It has been determined that the amount of compensation is not appropriate for the position of Deputy Executive Director, as the compensation is not commensurate with the level of responsibilities. The compensation should be at the level of similar positions in state government, such as the Deputy Director of the Administrative Office of Courts, the Deputy Director of the Committee on Professional Conduct and the deputy directors of similarly sized state commissions. The Commission requests that compensation for the position be increased from \$57,280 to \$70,000 in the 2005-2006 fiscal year and from \$58,918 to \$71,730 in the 2006-2007 fiscal year.

The Commission also requests to 1) restore \$100,550 of appropriation to our Professional Fees and Services line item each year. This amount of Professional Fees and Services is authorized in the current Biennium and is needed each year of the upcoming Biennium to cover the cost of legal fees and services that may be needed to be rendered in addition to services provided by the Attorney General's Office; 2) the Commission requests to increase the Operating Expense line item by \$10,000 in the 2005-2006 fiscal year and by \$13,778 in the 2006-2007 fiscal year. More than half of this amount is for increased rent and mileage expense.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
JUDICIAL DISCIPLINE AND DISABILITY COMMISSION
FOR THE YEAR ENDED JUNE 30, 2003

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		
None	N/A	N	N	0	N/A

Analysis of Budget Request

Appropriation / Program: 913 - Jud Discp-Oprs

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 for this appropriation includes graduated salary increases of 3% to 1.5% each year over FY05 salary levels, along with related Personal Services Matching costs for six (6) Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

The Commission is requesting a 25% extraordinary salary increase for the Deputy Executive Director position to make compensation commensurate with the level of responsibilities. A request in the Operating Expenses line item of \$10,000 for FY06 and \$13,778 for FY07 is needed to cover rent and mileage expenses. The Commission is requesting to restore the appropriation in the Professional Fees line item to \$100,550 each year to cover the cost of legal fees and services that may be rendered in addition to services provided by the Attorney General's office.

The Executive Recommendation provides for Base Level plus \$10,000 in appropriation and general revenue funding each year in the Operating Expenses line item. The Executive Recommendation recommends a 9% extraordinary salary increase for the Deputy Executive Director position.

Appropriation / Program Summary

Appropriation / Program: 913 Jud Discp-Oprs
Funding Sources: HUA- Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004 Actual	2004-2005 Budget	2004-2005 Authorized	2005-2006			2006-2007		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	275,965	283,353	283,353	291,394	304,114	294,714	299,619	312,431	303,119
#Positions	6	6	6	6	6	6	6	6	6
Personal Services Matching 5010003	69,944	73,337	70,285	77,822	80,214	78,446	79,369	81,778	80,027
Operating Expenses 5020002	64,083	65,565	65,565	65,565	75,565	75,565	65,565	79,343	75,565
Travel-Conference Fees 5050009	7,748	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125
Professional Fees and Services 5060010	8,450	34,107	100,550	34,107	100,550	34,107	34,107	100,550	34,107
Data Processing 5090012	14,460	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Capital Outlay 5120011	656	3,500	6,500	0	0	0	0	0	0
Mileage for Investigator 5900046	1,702	5,080	5,080	5,080	5,080	5,080	5,080	5,080	5,080
Total	443,008	474,267	540,658	483,293	574,848	497,237	493,065	588,507	507,223
Funding Sources									
General Revenue 4000010	443,008	471,215		483,293	574,848	493,293	493,065	588,507	503,065
Merit Adjustment Fund 4000055	0	3,052		0	0	0	0	0	0
Total Funding	443,008	474,267		483,293	574,848	493,293	493,065	588,507	503,065
Excess Appropriation/(Funding)	0	0		0	0	3,944	0	0	4,158
Grand Total	443,008	474,267		483,293	574,848	497,237	493,065	588,507	507,223

The FY05 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2003-05 biennium.

Actual Expenditures for FY04 exceed the Authorized Appropriation amount for the Data Processing line item because the Authorized Appropriation for FY04 was \$16,200.

Change Level by Appropriation

Appropriation / Program: 913-Jud Discp-Oprs

Funding Sources: HUA- Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	483,293	6	483,293	100.0	493,065	6	493,065	100.0
C01	Existing Program	76,443	0	559,736	115.8	80,221	0	573,286	116.2
C15	Ex Salary Increase	15,112	0	574,848	118.9	15,221	0	588,507	119.3

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	483,293	6	483,293	100.0	493,065	6	493,065	100.0
C01	Existing Program	10,000	0	493,293	102.0	10,000	0	503,065	102.0
C15	Ex Salary Increase	3,944	0	497,237	102.8	4,158	0	507,223	102.8

Justification

C01	The increases are for Operating Expenses \$10,000 in FY06 and \$13,778 in FY07 to cover rent and mileage expenses. Also \$66,443 to restore the Professional Fees line item back to \$100,550 each year to cover the cost of legal fees and services that may be rendered in addition to services provided by the Attorney General's office.
C15	This increase is for the Deputy Executive Director position to make compensation commensurate with level of responsibilities.