

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Enabling Laws

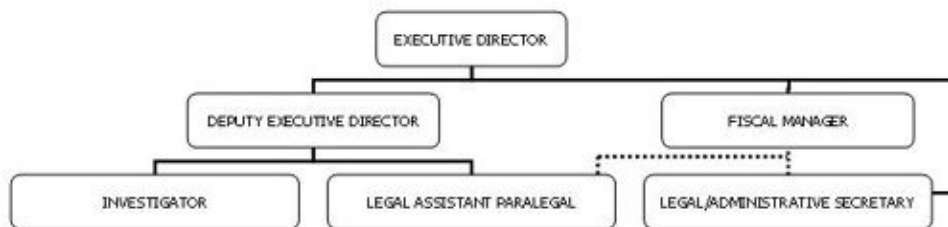
Act 1213 of 2007
A.C.A. §21-5-204 et seq.
A.C.A. §21-5-101 et seq.

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 receive and investigate 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 1) the restoration of original appropriation amount of \$100,550 for both Fiscal Year 2010 and 2011 in Professional Fees and Services. 2) an increase of \$10,000 in fiscal year 2010 and \$12,500 in fiscal year 2011 for Maintenance and Operations to cover the cost of increased rent, increased cost of mileage reimbursement, postage and educational and training expense of commission members. 3) An increase of \$2,000 in fiscal year 2010 and \$2,000 in fiscal year 2011 in Investigator Mileage and Expense.

Due to safety and confidentiality concerns from Commission members, the Commission relocated its office. The new location connects the conference room to the Commission's office. This allows a safe exit for the commission members, judges and staff from the conference room to the commission office. On occasion police intervention was needed during hearings. Members hold both public and non-public hearings. In order to protect the identity of the judge and witnesses in the non-public hearing, it was essential that the Commission have this new connection from the conference room to the new office location.

The Commission requests an aggregate increase of \$83,611 in salaries for FY10. Salaries for FY11 would then reflect the 2.3% cost of living adjustment given to all state employees. The justification for this request is as follows:

Every position of the Commission staff is now classified as a Grade 99. Assuming the Career Service Pay Plan is representative of what salaries should be for a specific job after years of service, all of the staff salaries for the Commission positions are deficient and in some cases glaringly so. The Deputy Director/Attorney currently receives a line item salary of \$61,297 and would be classified as pay grade N905 midpoint and paid \$85,546. The Investigator currently receives a line item salary of \$55,947 and would be classified as pay grade C119 maximum and paid \$60,390. The Agency Fiscal Manager currently receives a line item salary of \$38,293 and would be classified as pay grade C121 midpoint and paid \$53,264. The Para Legal currently receives a line item salary of \$34,636 and would be classified as pay grade C117 midpoint and paid \$44,505. The Legal Secretary currently receives a line item salary of \$28,478 and would be classified as pay grade C113 midpoint and paid \$36,614.

The Executive Director is paid a line item salary of \$93,067. However, it is contemplated that this position would not be included in the Career Service Pay Plan but remain a 99. Agency directors and other comparable positions with similar responsibilities are paid above Grade. We are requesting parity in both that salary and those of the staff.

Audit Findings

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

FOR THE YEAR ENDED JUNE 30, 2007

Findings

The Agency failed to establish strong internal controls over the annual and sick leave approval process and leave record maintenance which enabled three of the Agency's six employees to carry negative annual and sick leave balances. Section 105 of the Department of Finance and Administration - Office of Personnel Management (DFA-OPM) Policy and Procedures Manual, which is based upon Ark. Code Ann. § 21-4-201 et seq., specifically prohibits borrowing from future annual leave accruals, and it requires earned annual leave to be charged for absences due to sick leave when earned sick leave is exhausted. The negative balances were subsequently satisfied, and employees do not currently have negative balances.

Recommendations

Continue to strengthen controls to comply with DFA - OPM policies and procedures.

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

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	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.

Base Level positions were changed from unclassified to classified to reflect the recommendations of the Pay Plan Study and salaries were adjusted accordingly. One remaining unclassified position reflects similar adjustments in the line item salary. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Commission's Change Level requests total \$108,783 in FY10 and \$112,965 in FY11 and reflects the following:

- Regular Salaries and Personal Services Matching increases to request salaries at the midpoint level on the Career Service and Professional & Executive Pay Plan, with the exception of the Investigator which is requested at the maximum level
- Operating Expenses increase of \$11,200 in FY10 and \$13,700 in FY11 due to increases in rent, mileage, postage, and a reallocation of \$1,200 from Data Processing to properly classify to properly classify expenses associated with the support and maintenance of the Commission database.
- Professional Fees increase of \$15,885 each year to cover the costs of legal fees and services that may need to be rendered in addition to services provided by the Attorney General's Office
- Data Processing reallocation of \$1,200 to Operating Expenses to properly classify expenses associated with the support and maintenance of the Commission database.
- Mileage for Investigator line item increase of \$2,000 each year for rising gasoline prices.

The Executive Recommendation provides for Base Level and additional appropriation and general revenue funding of \$12,000 in FY10 and \$14,500 in FY11 as follows:

- Operating Expenses of \$11,200 in FY10 and \$13,700 in FY11
- Reduction of \$1,200 each year in Data Processing
- Mileage for Investigator line item of \$2,000 each year

Appropriation Summary

Appropriation: 913 - Judicial Discipline - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	335,700	312,918	311,718	338,353	406,719	338,353	347,484	417,239	347,484
#Positions	6	6	6	6	6	6	6	6	6
Personal Services Matching 5010003	90,602	83,590	88,323	93,941	106,473	93,941	95,435	108,260	95,435
Operating Expenses 5020002	89,637	92,567	92,567	92,567	103,767	103,767	92,567	106,267	106,267
Conference & Travel Expenses 5050009	8,084	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125
Professional Fees 5060010	8,914	84,665	96,710	84,665	100,550	84,665	84,665	100,550	84,665
Data Processing 5090012	400	1,200	1,200	1,200	0	0	1,200	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Mileage for Investigator 5900046	5,076	5,080	5,080	5,080	7,080	7,080	5,080	7,080	7,080
Total	538,413	588,145	603,723	623,931	732,714	635,931	634,556	747,521	649,056
Funding Sources									
General Revenue 4000010	538,413	588,145		623,931	732,714	635,931	634,556	747,521	649,056
Total Funding	538,413	588,145		623,931	732,714	635,931	634,556	747,521	649,056
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	538,413	588,145		623,931	732,714	635,931	634,556	747,521	649,056

The FY08 Actual and FY09 Budget amounts in Regular Salaries and Personal Services Matching exceed Authorized amounts due to salary and matching rate adjustments during the 2007-2009 biennium.

Change Level by Appropriation

Appropriation: 913 - Judicial Discipline - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	623,931	6	623,931	100.0	634,556	6	634,556	100.0
C01	Existing Program	27,885	0	651,816	104.5	30,385	0	664,941	104.8
C04	Reallocation	0	0	651,816	104.5	0	0	664,941	104.8
C02	New Program	80,898	0	732,714	117.4	82,580	0	747,521	117.8

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	623,931	6	623,931	100.0	634,556	6	634,556	100.0
C01	Existing Program	12,000	0	635,931	101.9	14,500	0	649,056	102.3
C04	Reallocation	0	0	635,931	101.9	0	0	649,056	102.3
C02	New Program	0	0	635,931	101.9	0	0	649,056	102.3

Justification

C01	The Commission requests 1) restoration of original appropriation amount of \$100,550 for both Fiscal Year 2010 and 2011 in Professional Fees and Services. 2) an increase of \$10,000 in fiscal year 2010 and \$12,500 in fiscal year 2011 for Maintenance and Operations to cover the cost of increased rent, increased cost of mileage reimbursement, postage and educational and training expense of commission members. 3) an increase of \$2,000 in fiscal year 2010 and \$2,000 in fiscal year 2011 in Investigator Mileage and Expense. Due to safety and confidentiality concerns from Commission members, the Commission relocated its office. The new location connects the conference room to the Commission's office. This allows a safe exit for the commission members, judges and staff from the conference room to the commission office. On occasion police intervention was needed during hearings. Members hold both public and non-public hearings. In order to protect the identity of the judge and witnesses in the non-public hearing, it was essential that the Commission have this new connection from the conference room to the new office location.
C04	The Commission uses this appropriation to pay expenses associated with the support and maintenance of their database. This reallocation will properly classify the budget in the Operating Expenses line item.
C02	The Agency is requesting salaries at the midpoint level of the Career Service and Professional and Executive Pay Plan, with the exception of the Investigator, which is being requested at the maximum level.