

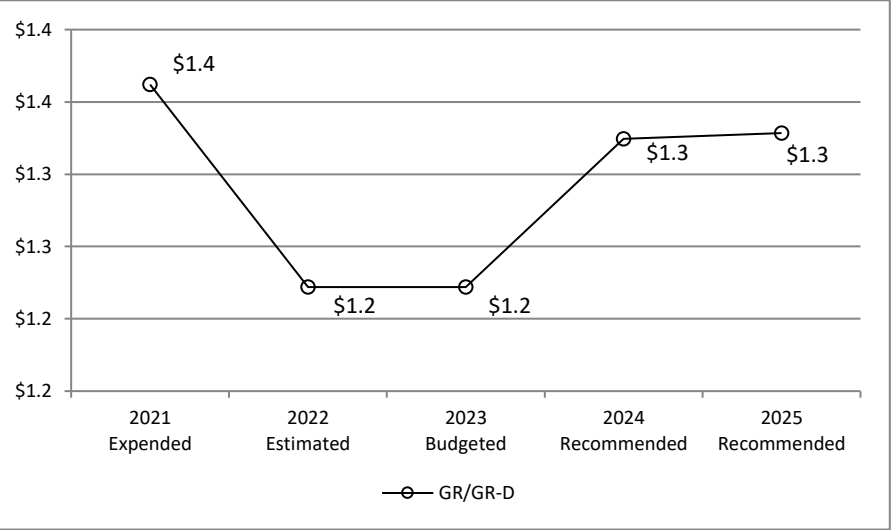
State Commission On Judicial Conduct
Summary of Budget Recommendations - Senate

Page IV-32
Jacqueline Habersham, Executive Director
Bryan Hadley, LBB Analyst

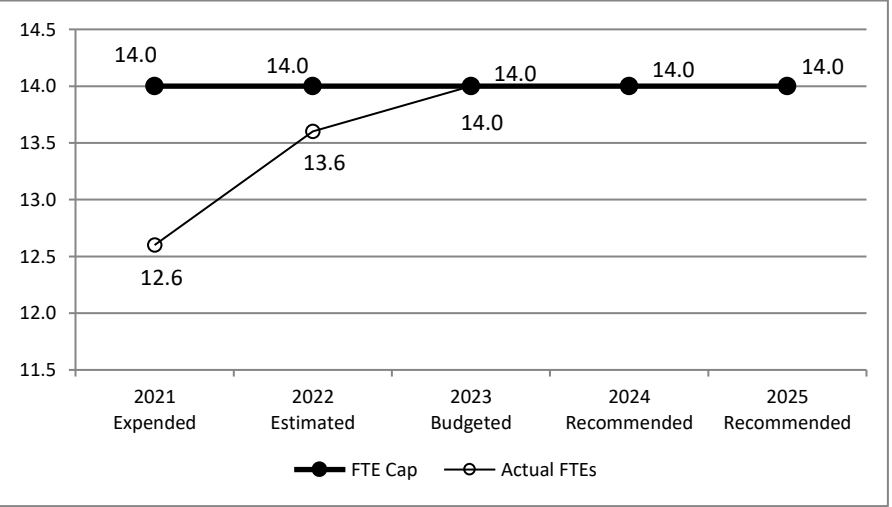
| Method of Financing | 2022-23 Base | 2024-25 Recommended | Biennial Change (\$) | Biennial Change (%) |
|------------------------|-----------------|------------------------|-------------------------|------------------------|
| General Revenue Funds | \$2,443,908 | \$2,652,938 | \$209,030 | 8.6% |
| GR Dedicated Funds | \$0 | \$0 | \$0 | 0.0% |
| Total GR-Related Funds | \$2,443,908 | \$2,652,938 | \$209,030 | 8.6% |
| Federal Funds | \$0 | \$0 | \$0 | 0.0% |
| Other | \$0 | \$0 | \$0 | 0.0% |
| All Funds | \$2,443,908 | \$2,652,938 | \$209,030 | 8.6% |

| | FY 2023 Budgeted | FY 2025 Recommended | Biennial Change | Percent Change |
|------|---------------------|------------------------|--------------------|-------------------|
| FTEs | 14.0 | 14.0 | 0.0 | 0.0% |

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2024-25 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2024-25 biennium.

State Commission On Judicial Conduct
Summary of Funding Changes and Recommendations - Senate

Section 2

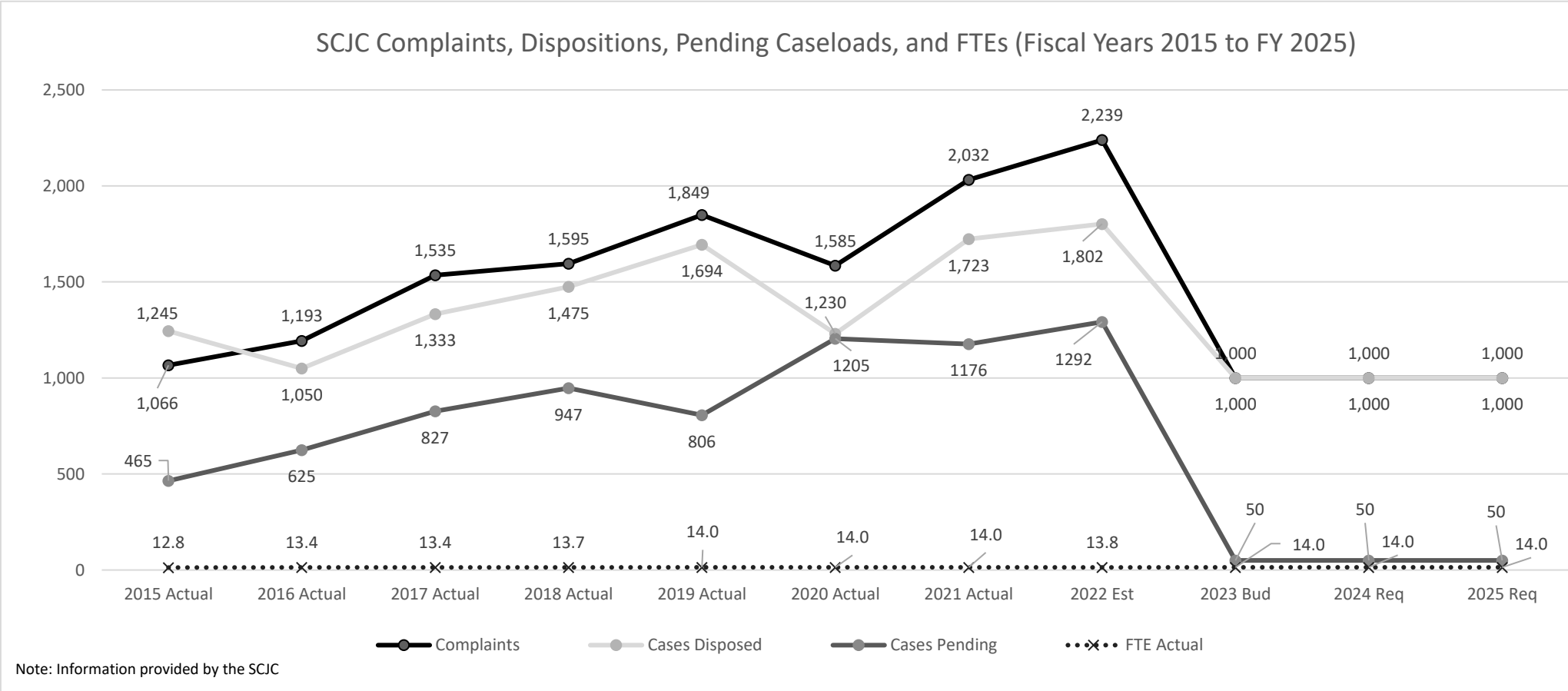
| Funding Changes and Recommendations for the 2024-25 Biennium compared to the 2022-23 Base Spending Level (in millions) | | General Revenue | GR-Dedicated | Federal Funds | Other Funds | All Funds | Strategy in Appendix A |
|---|--|--------------------|--------------|---------------|--------------|--------------|---------------------------|
| <i>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i> | | | | | | | |
| A) | Recommendations include \$50,000 in General Revenue for the one-time purchase of a case management system to implement the provisions of HB 4344, 87th Legislature, Regular Session. (See also, Selected Fiscal and Policy Issue #3.) | \$0.1 | \$0.0 | \$0.0 | \$0.0 | \$0.1 | A.1.1 |
| <i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i> | | | | | | | |
| B) | General Revenue increase for salary adjustments. | \$0.1 | \$0.0 | \$0.0 | \$0.0 | \$0.1 | B.1.1 |
| TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions) | | \$0.2 | \$0.0 | \$0.0 | \$0.0 | \$0.2 | As Listed |
| <i>SIGNIFICANT & OTHER Funding Increases</i> | | \$0.2 | \$0.0 | \$0.0 | \$0.0 | \$0.2 | As Listed |
| <i>SIGNIFICANT & OTHER Funding Decreases</i> | | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | As Listed |

State Commission on Judicial Conduct
Selected Fiscal and Policy Issues - Senate

1. **Case Filings and External Proceedings.** Recommendations provide \$2.7 million in General Revenue Funds, which is an increase of \$0.2 million over 2022-23 spending levels, and 14.0 FTEs for the investigation of allegations of judicial misconduct or disability.

In 2016, the agency began collecting complaints through an online filing portal. Since then, the agency has seen an increase in complaints, dispositions, and pending cases. Data collected by the agency between fiscal years 2017 and 2022 showed that approximately 85.5 percent of complaints filed online were administratively dismissed because the complaints either made no allegation of judicial misconduct; were about a ruling; named the wrong judge; were against a court staff member; or included insufficient evidence to substantiate a finding of misconduct. In FY 2022, the agency began requiring that complaints be submitted by mail and include a notary’s signature or an unsworn declaration to deter frivolous complaints.

The following chart of data provided by the agency shows the number of complaints, dispositions, cases pending, and FTEs for the SCJC for fiscal years 2015-2025.



In fiscal years 2022, the State Commission on Judicial Conduct (SCJC) conducted 12 external proceedings, including 8 Courts of Review and 2 Formal Proceedings (which are initiated by the Commission) and 8 Courts of Review (which are appeals of Commission actions and are not initiated by the agency). The agency has no control over these latter proceedings and must follow procedure for every proceeding regardless of when they are filed. The agency also has ongoing costs related to two lawsuits challenging the agency's authority. The Office of the Attorney General has indicated it will not represent the agency for these proceedings.

Recommendations do not include \$0.2 million in General Revenue funding requested by the agency to pay outside counsel to defend the agency and other costs associated with external proceedings. (See also, Items Not Included in Recommendations #1.)

2. **Staff Salary Funding.** Recommendations do not include \$0.3 million in General Revenue funds requested by the agency to increase average salaries to from \$86,756 to \$93,000 for 4 attorney FTEs. (See also, Items Not Included in Recommendations #2.)
3. **Case Management System.** Recommendations include \$50,000 in General Revenue Funds for the one-time purchase of a case management system to implement the provisions of HB 4344, Eighty-seventh Legislature, Regular Session, which created deadlines for pending cases that the agency's current system cannot easily keep track of. The agency's current practice for complying with the bill's provisions relies on imprecise reports produced by the current system. The new system would create a docket control system that would provide weekly updates to ensure compliance with the new statutory timeframes and assist managers, attorneys, and legal support staff in accelerating the resolution of cases. It would also be cloud-based rather than relying on a physical server. The agency anticipates ongoing annual maintenance costs could be handled with existing resources.
4. **Unexpended Balance Authority.** Recommendations continue the agency's Unexpended Balance authority but remove the strategy-level designation in the bill pattern and include a new Special Provisions – Judiciary rider providing the same authority for all Article IV courts and agencies.

State Commission On Judicial Conduct
Items Not Included in Recommendations - Senate

| | 2024-25 Biennial Total | | | Information Technology Involved? | Contracting Involved? | Estimated Continued Cost 2026-27 |
|--|------------------------|-----------|------|--|--------------------------|--|
| | GR & GR-D | All Funds | FTEs | | | |

Agency Exceptional Items Not Included (in agency priority order)

| | | | | | | | |
|----|---|-----------|-----------|-----|----|-----|-----------|
| 1) | Outside Counsel Fees. General Revenue Funds to pay outside counsel to defend the agency against pending lawsuits challenging the agency's authority for which the Office of the Attorney General will not provide representation and other costs associated with these external proceedings. (See Selected Fiscal and Policy Issue #1) | \$150,000 | \$150,000 | 0.0 | No | Yes | \$150,000 |
| 2) | Salary Adjustments for Attorney Positions. General Revenue Funds to increase average salaries from \$86,756 to \$93,000 for 4 Attorney FTE positions. | \$26,617 | \$26,617 | 0.0 | No | No | \$26,617 |

| | | | | | | | |
|---|--|-----------|-----------|-----|--|--|-----------|
| TOTAL Items Not Included in Recommendations | | \$176,617 | \$176,617 | 0.0 | | | \$176,617 |
|---|--|-----------|-----------|-----|--|--|-----------|

State Commission On Judicial Conduct
Appendices - Senate

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* Appendix is not included - no significant information to report

State Commission On Judicial Conduct
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

| Strategy/Goal | 2022-23 Base | 2024-25 Recommended | Biennial Change | % Change | Comments |
|--|--------------------|------------------------|--------------------|---------------|--|
| ADMINISTRATION AND ENFORCEMENT 1.1.1 | \$2,443,908 | \$2,519,834 | \$75,926 | 3.1% | Recommendations include increases of \$50,000 for the one-time purchase of a case management system to implement the provisions of HB 4344, Eighty-seventh Legislature, Regular Session; and of \$25,926 for salary adjustments. |
| Total, Goal 1, ADMINISTRATION AND ENFORCEMENT | \$2,443,908 | \$2,519,834 | \$75,926 | 3.1% | |
| SALARY ADJUSTMENTS 2.1.1 | \$0 | \$133,104 | \$133,104 | 100.0% | Recommendations include a new strategy for salary adjustments. |
| Total, Goal 2, SALARY ADJUSTMENTS | \$0 | \$133,104 | \$133,104 | 100.0% | |
| Grand Total, All Strategies | \$2,443,908 | \$2,652,938 | \$209,030 | 8.6% | |

State Commission On Judicial Conduct
FTE Highlights - Senate

| Full-Time-Equivalent Positions | Expended 2021 | Estimated 2022 | Budgeted 2023 | Recommended 2024 | Recommended 2025 |
|--------------------------------|------------------|-------------------|------------------|---------------------|---------------------|
| Cap | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 |
| Actual/Budgeted | 12.6 | 13.6 | 14.0 | NA | NA |

| Schedule of Exempt Positions (Cap) | | | | | |
|------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Executive Director, Group 4 | \$135,149 | \$135,149 | \$135,149 | \$136,642 | \$145,284 |

Notes:

a) Recommendations include \$8,642 in 2024 and \$17,284 in 2025 to increase the Executive Director's annual exempt salary from \$128,000 to \$136,642 in fiscal year 2024 and \$145,284 in fiscal year 2025, which is the SAO-determined market average for the position.