

Office of the
Legislative Fiscal Analyst

FY 2001 Budget Recommendations

Joint Appropriations Subcommittee for
Capital Facilities and Administrative Services

Utah Department of Administrative Services
Judicial Conduct Commission

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1.0 Summary: Judicial Conduct Commission

The Judicial Conduct Commission is a quasi-independent agency that investigates and resolves complaints against Utah judges.

The Commission is comprised of 11 members who represent the legal profession, the legislature, the judicial branch and private citizens. Four members are Legislators, three are attorneys for the Bar Commission, two are judges (although only one has voting authority) and two are citizens appointed by the Governor.

A Constitutional Amendment passed in 1984 established the Commission as part of Article VIII, Section 13 of the Utah Constitution. Commission composition is defined in Utah Code Section 78-7-27.

Financial Summary

	Analyst FY 2001 Base	Analyst FY 2001 Changes	Analyst FY 2001 Total
Financing			
General Fund	\$217,700		\$217,700
Total	<u>\$217,700</u>	\$0	<u>\$217,700</u>
Programs			
Judicial Conduct Commission	\$217,700		\$217,700
Total	<u>\$217,700</u>	\$0	<u>\$217,700</u>
FTE	2.0		2.0

2.0 Issues:

2.1 Powers of the Judicial Conduct Commission

The Judicial Conduct Commission is made up of lawyers, legislators and citizens. Their role is to review complaints against justices or judges. In July of 1998, the Utah Supreme Court ruled that allowing Legislators to serve on the committee violated the separation of powers provision of Article V of the Utah Constitution.

As the Legislative Session began in 1999, the Supreme Court issued an opinion reversing itself on the issue. After reviewing evidence supplied by the Legislature and the Governor that voters intended for Legislators to serve on the Commission, the Justices reversed their previous decision and allowed the four Legislators to return to the Commission.

3.0 Programs: Judicial Conduct Commission

3.1 Judicial Conduct Commission

The Judicial Conduct Commission investigates and resolves complaints against Utah judges. The staff consists of a Director and an Administrative Assistant. The staff manages claims, assigns inspectors, and prosecutes judges when necessary. Approximately 85 percent of all claims result in dismissal, ten percent are resolved through formal correspondence and five percent receive a formal hearing.

Recommendation

The Analyst recommends an essentially level budget after carry forward balances are removed.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$216,700	\$219,700	\$217,700	(\$2,000)
Beginning Nonlapsing	47,600	45,400		(45,400)
Closing Nonlapsing	(45,400)			
Total	\$218,900	\$265,100	\$217,700	(\$47,400)
Expenditures				
Personal Services	\$166,000	\$177,800	\$175,800	(\$2,000)
In-State Travel	2,400	2,400	2,400	
Out of State Travel	2,100	2,100	2,100	
Current Expense	47,000	81,400	35,500	(45,900)
DP Current Expense	1,400	1,400	1,900	500
Total	\$218,900	\$265,100	\$217,700	(\$47,400)
FTE	2.0	2.0	2.0	

Current expense in this budget is used to hire outside investigators and temporary employees based on case load. Since caseload varies from year to year, the Analyst recommends the following intent Language:

It is the intent of the Legislature that funds for the Judicial Conduct Commission not lapse

3.2 Annual Report

The Judicial Conduct Commission is required to file an annual report. The report follows the 4.0 section of this document.

4.0 Additional Information: Judicial Conduct Commission

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
	Actual	Actual	Actual	Estimated	Analyst
Financing					
General Fund		\$211,000	\$216,700	\$219,700	\$217,700
Beginning Nonlapsing		24,200	47,600	45,400	
Closing Nonlapsing		(47,600)	(45,400)		
Total	\$0	\$187,600	\$218,900	\$265,100	\$217,700
% Change			16.7%	21.1%	-17.9%
Programs					
Judicial Conduct Commission		\$187,600	\$218,900	\$265,100	\$217,700
Total	\$0	\$187,600	\$218,900	\$265,100	\$217,700
Expenditures					
Personal Services		\$152,900	\$166,000	\$177,800	\$175,800
In-State Travel		1,800	2,400	2,400	2,400
Out of State Travel		600	2,100	2,100	2,100
Current Expense		32,100	47,000	81,400	35,500
DP Current Expense		200	1,400	1,400	1,900
Total	\$0	\$187,600	\$218,900	\$265,100	\$217,700
FTE		2.0	2.0	2.0	2.0