

JUDICIAL INTEGRITY PROPOSAL

Judicial Tenure Commission

PROBLEM: **Lack of staff and increased complexity and size of Judicial Tenure Commission (JTC) caseload continues unacceptably to delay resolution of allegations of significant judicial misconduct. Investigations of new complaints are postponed for lengthy periods, and the public's faith in the integrity of the discipline process is corroded.**

Staff Not Adequate Prior to 2017: The JTC staff size has been stable, at three attorneys plus executive director, for 23 years – since August 1997. Beginning in about 2015 JTC investigations became increasingly complex, causing resolution of grievances to be delayed excessively. Despite the increase, we did not start to ask you for more resources until FY 2020.

Dramatic Increase in Number of Investigations 2017-19: While the number of grievances filed each year has remained stable for well over a decade (about 500-600 until 2020 saw a small reduction to 440), the period 2017 through 2020 saw a 55% increase in the grievances that require a full investigation (the cases that consume by far the most resources). During that same period there has been a several-fold increase in the most complex investigations.

The JTC currently has over 150 open requests for investigation, including 32 full investigations. Twenty of the open investigations have been pending for longer than 1 year; five of those have been pending more than two years and three have been pending more than three years.

The large backlog plus lack of staff means the JTC has no ability to investigate and prosecute new cases, other than by further delaying other cases that are already much too old.

Anticipated Public Charges Increase Dramatically: Historically, the 500-600 grievances filed each year generate no more than two public charges. These charges almost always reflect extensive investigation, and result in a public hearing to develop the JTC recommendation to the Supreme Court. JTC staff expects six to nine of the current investigations to result in public charges, unless the judges under investigation choose to resign instead (as several did in 2019 and one did in 2020). Just prosecuting those charges, *after* they are public, would comprise one staff attorney's entire workload for two full years.

Delays Cause Public to Doubt Integrity of the Discipline Process: Ongoing delays in the investigation and prosecution of judicial misconduct cause the public to lose faith in the integrity of the discipline process, and result in an excessive cloud over the judiciary.

PROPOSAL: **Provide adequate staff to enable the JTC timely to investigate judicial misconduct and hold judges accountable**

The JTC requests \$182,300 in ongoing funding to add one permanent staff attorney. It also request \$204,000 in one-time funding to continue to pay contract attorneys to address the backlog.

RESULTS:

- ✓ **Current prosecutions can be resolved**
- ✓ **New complaints can be investigated promptly**
- ✓ **Public can be assured that judges will *timely* be held accountable for their misconduct**