



MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

**5-YEAR STRATEGIC PLAN
FOR THE FISCAL YEARS 2021-2025**

096-00

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1. **Comprehensive Mission Statement**

The mission of the Mississippi Commission on Judicial Performance (hereinafter “Commission”) is to enforce the standards of judicial conduct, inquire into judicial disability and conduct, protect the public from judicial misconduct, and protect the judiciary from unfounded allegations. The purpose of the Commission is to be rehabilitative and educational as well as disciplinary. The Commission was created in 1979 by the Mississippi Legislature and the voters of the State of Mississippi by constitutional amendment, Section 177A of the Mississippi Constitution of 1890, as amended.

2. **Philosophy**

The Commission is dedicated to preserving the integrity of the judiciary while balancing a judge’s ability to make findings of fact and reach legal conclusions without disrupting their independence and efficiency. The Code of Judicial Conduct sets out the minimum ethical requirements judges are expected to abide by. Failure to do so triggers the Commission’s responsibility to investigate allegations of misconduct and, in some cases, recommend sanctions to the Supreme Court of Mississippi. Such actions are taken to restore the public’s confidence in the judiciary as well as serving as a deterrent to the recurrence of similar behavior by other judges in the future. The Commission strives to serve the public with the highest standards of professionalism and to provide a quality service to the citizens of the State of Mississippi.

3. **Relevant Statewide Goals and Benchmarks**

Statewide Goal #1 Public Safety and Order: To protect the public’s safety, including providing timely and appropriate responses to emergencies and disasters and to operate a fair and effective system of justice.

Relevant benchmarks:

- Case clearance rates (the number of outgoing cases as a percentage of the number of incoming cases)

On average over the past 5 calendar years, the Commission completed consideration of approximately 85% of the cases presented within the year the complaint was initiated. The percentage would be closer to 100%, however budget constraints resulted in the Commission only being able to meet every other month, thus slowing the processing of complaints.

- Time to case disposition (percentage of cases disposed within the time standard set for each case type)

It is a goal of the Office to be able to reduce the time between receipt of a complaint until disposition, whether that be through the hearing process or otherwise; however, this will depend on being fully funded.

- Age of active pending caseload (number of days from case filing to the date of

measurement of the pending caseload)

It is a goal of the Office to be able to reduce the time associated with processing complaints on judicial misconduct; however, this will also depend on being fully funded. The Commission is able to squeeze in an additional meeting when backlogs of cases occurs so as not to become a crisis.

- Collection of monetary penalties (percentage of monetary penalties collected and distributed within established timelines)

The Commission recommends the imposition of fines and penalties; however, the Supreme Court performs the appellate function and determines whether to impose such. Once such fines or costs are assessed by the Court, the Commission begins execution on the judgment. There are a few uncollected fines and costs, however the Commission is proceeding per procedural rules to collect the same.

- Average cost of processing a single case, by case type

In the past 5 years the Commission has not been able to fully investigate complaints in a timely manner due to budget constraints. With adequate funding, this has been partially alleviated. When the Commission is able to hold hearings, the rising costs for court reporters and witness fees are initially borne by the Commission. The costs may be recouped, but in most cases it is at least 12-18 months from the time the cost is incurred before the Commission is actually reimbursed.

Statewide Goal #2 Government: To create an efficient government and an informed and engaged citizenry that helps to address social problems through the payment of taxes, the election of capable leaders at all levels of government, and participation in charitable organizations through contributions and volunteerism.

Relevant benchmarks – Cost of Government

- Individual tax burden (state and local taxes as a percentage of personal income)

The Office operations rely on limited funds all of which are appropriated by the legislature from state revenue.

- Total state spending per capita

The total requested appropriation of the Commission is less than \$625,000.

- Number of government employees per 10,000 population (broken out by federal, state, and local)

The Commission has only five employees although the staff is responsible for policing over 700 judges.

Relevant benchmarks – Government Efficiency

- Administrative efficiency: Expenditures on state government administrative

activities as a percentage of the total operational expenditures

All state expense is associated with the mission of the Commission. The majority of the administrative expense is handled through a third-party consultant at a much lower rate than having these activities performed by a full-time employee.

- Average wait time for state government services

It is a goal of the Office to be able to reduce the time to process complaints, complete investigations and conduct hearings on cases involving judicial misconduct; however, this will depend on being fully funded in the future.

- Regulatory efficiency: average length of time to resolution of documented complaints

85% of the complaints received are resolved within the year they are received. Resolution includes the hearing process, if warranted.

- Percentage of state employees leaving state services within five years of employment.

The Commission has lost employees due to retirement or lack of funds to pay the position. However, the Commission will be able to have a lower percentage of employees leaving government when its salaries are realigned to that of other agencies and the Commission is fully funded.

Relevant benchmarks- Engaged citizenry

- Civic Engagement (voting)

Pursuant to Canon 5F, the Commission provides administrative support to the Special Committee on Judicial Election Campaign Intervention during the judicial elections. This requires additional expenditures to meet the Commission's obligations imposed by Canon 5F. The Commission is also involved in seminars and training for judges and other court personnel.

4. Overview of the Agency 5-Year Strategic Plan

The Commission on Judicial Performance will continue to investigate and prosecute complaints of judicial misconduct and disability. Over the past several years, the number and/or complexity of complaints received by the Commission has slightly increased. In calendar year 2019, the number of complaints received, with a little less than 5 months remaining, has remained on par with 2018.

The Commission seeks to be fully funded in FY2021. We believe this is extremely important to enable us to continue our mission. In the past three calendar years, the Commission was so cash strapped that several hearings were resolved with agreements that failed to reflect what could have been accomplished through the hearing process. This ties the hands of Commission counsel in its ultimate oversight of judges and chills the effort to provide the public with an

honorable judiciary. Thus far in 2019, Only one case was presented to the Supreme Court during this period wherein the Commission recommends a public reprimand be issued, along with a \$500.00 fine, to a Justice Court judge. That matter is still pending before the Court. Also, the interim suspension of a Justice Court judge has been recommended to the Supreme Court and that issue is also still pending. In addition, 9 Informal Commission Actions were instituted wherein a judge is instructed about potential violations of the judicial code or statutes. Also, thus far, 7 complaints resulted in pending formal proceedings being initiated against judges. 10 complaints are still under investigation and there are 24 new complaints that still need to be considered by the Commission at its upcoming meeting. Costs of hearings are increasing, the statutory witness fees increased recently and court reporter fees are continually rising. Even though the costs incurred at hearings may be assessed against the respondent judge, it may take months or even years to recoup those costs. In 2019, Justice Court candidates are running for judicial office. The Commission is tasked with providing campaign instruction and enforcing the code of judicial conduct as it pertains to judicial elections.

The major issue in the Commission's plan is related solely to funding issues. It is hard to retain competent staff when the salaries are well below that of similar positions in state government. Having said that, the positions have been fairly stable during the 2018-2019 period.

5. Agency's External/Internal Assessment

In the past, the Commission's assessment of its fiscal policies and the budget shortfalls necessitated that the Commission meet only 6 times a year but that the goal is to return to having monthly meetings and the only way that can occur is if full funding is obtained. Other assessments have included the annual internal control review, but there has not been an audit since 2004.

6. Agency Goals, Objectives, Strategies and Measures by Program for FY 2021 through FY 2025:

The agency's sole program is investigation and prosecution.

Goal A.1 - The goal of the Commission is to provide the citizens of this state with a fair, impartial, ethical and competent judiciary by processing complaints, conducting proper investigations and when necessary, holding hearings to gather the facts and make recommendations for disciplinary sanctions; by participating in judicial seminars and conferences to educate judges on current laws and to rehabilitate them when a minor violation has occurred; and to protect the judiciary from unfounded complaints.

Objective A.1 - The objective is to attempt resolution of complaints in a quicker, more efficient manner by scheduling Commission meetings more frequently and being able to fully investigate claims and hold hearings in cases without first having to determine if other obligations can be met if hearing costs are incurred.

Outcome: Fully Funded Office

Outcome: Competent Judiciary

Outcome: Protected Judiciary

Strategies A.1 - In the past, the Commission has requested an increase in the General Fund appropriation with less reliance on the small sum remaining from prior criminal assessment fees. Now that the Commission does not receive criminal assessment fees, the goal is to be fully funded through the General Fund in order to improve services to the citizens of this state.

The Commission, a staff of 5, is tasked with the obligation to oversee 9 Supreme Court Justices, 10 Court of Appeals judges, 57 Circuit Court judges, 52 Chancery Court Judges, 32 County Court judges, 197 Justice Court Judges, about 250 Municipal Court Judges, and over 100 other special judges, i.e. Youth Court Referees, Senior Status Judges, Family Masters; totaling over 700 judges.

Output: Reallocation of Revenue

Efficiency: Enable the Commission to place less reliance on cost factors and focus on its mission.

Efficiency: Reduce the completion time for case resolution from 12 months to 9 months.

Goal B.1 – Protect the public from judicial misconduct or incapacitated judges

Objective B.1 - Enforce the standards of judicial conduct thereby creating equal opportunity for justice to all.

Outcome: Fair and effective system of justice.

Strategies B.1 – Review all complaints received for validity and conduct investigations on valid complaints.

Output: Conduct investigations and hold hearings

Output: Hold monthly hearings held to establish facts and a recommendation regarding sanctions

Efficiency: Reduce the number of valid complaints based on the number of judges versus number of complaints received

Efficiency: Number of investigations conducted based upon complaints received – investigate 100% of all valid complaints

Efficiency: Improve case clearance rates by 50%.

Efficiency: Reduce the number of days to hold a hearing on judicial misconduct.

Goal C.1: Protect Judges from unfounded complaints

Objective C.1: To allow judges the freedom to make decisions and interpret the law without fear of reprisal.

Outcome: Fair and effective system of justice.

Strategies C.1 – Review all complaints received for validity.

Output: Dismiss unfounded complaints

Efficiency: Number of investigations conducted based upon complaints received – dismiss 100% of all unfounded complaints

Efficiency: Reduce the total number of complaints received versus investigations ordered

Efficiency: Track the total number of investigations ordered versus those in which misconduct is a factor

Goal D.1: Rehabilitate and educate the judiciary so that all Mississippians may enjoy a better quality of life.

Objective D.1 Fair and effective system of justice.

Strategies D.1 Attend and participate at judicial seminars and conferences

Output: Keep judges abreast of potential changes in the Code of Judicial Conduct and/or new case law issued by the Mississippi Supreme Court regarding judicial disciplinary cases.

Efficiency: Reduce the number of complaints resulting in public sanctions but do result in cautionary letters advising judges of potential violations of the Code of Judicial Conduct.