

BRUCE A. TIMMONS

Representative Sarah Lightner, Chair, House Appropriations Subcommittee on Judiciary
and Members of the Subcommittee on Judiciary

March 15, 2022
Statement Regarding Proposed FY 2022-23 Budget for the Judiciary
- Judicial Tenure Commission

I support an increase in the budget for the **Judicial Tenure Commission** for FY 2022-23.

Having heard the testimony of Mr. Lynn Helland, JTC Executive Director and General Counsel, last week before the Senate Subcommittee on Corrections & Judiciary and obtained a copy of his presentation, I lend my support not only to an increase he sought before the Senate Subcommittee but for the additional resources (money and staff) to fulfill its responsibilities.

As a Ford Foundation Fellow (intern) with the Michigan House of Representatives, I was asked by the Democratic Vice-Chair Bob Traxler to draft a substitute for 1968 **HJR PP** (then entitled a joint resolution to authorize the legislature to create a judicial commission) to be based on the 1960 constitutional amendment in California creating a Judicial Performance Commission, which was charged with investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges. The California Art VI, Sec. 18 was as long as many statutes are.

I gave Rep. Traxler two alternatives – one as detailed as the California version and the second a simpler version for a 9-member Judicial Tenure Commission. While the member composition changed while passing through the Legislature (by adding a position for a judge of a court of limited jurisdiction, thereby reducing by one the number of public members appointed by the Governor from 3 to 2, and providing that judges, not the Supreme Court, would elect who represented each category of judges,), the second paragraph regarding levels of discipline and types of misconduct is basically what I drafted. HJR PP was overwhelmingly approved by the electorate at the August Primary in 1968 and is now Article VI, Section 30. Hence, I have followed the history of the JTC with considerable interest for over fifty years.

Mr. Helland's testimony in the Senate raises concerns about the ability of the JTC to carry out its mission as envisioned by those who advocated for its creation.

You are familiar with the mantra of "justice delayed is justice denied" – usually in the context of criminal proceedings, perhaps less often in civil actions. But that concept also applies to adjudicatory proceedings by administrative or judicial agencies. Citizens filing complaints against judges and those accused of judicial misconduct deserve a fair and prompt resolution of those complaints – not a delay of more than 2 years (12 by end of 2021), 5 over 3 years.

State budgets for several years have been pinched by tight revenue. With additional revenue for FY 2022-23, it is imperative that the Legislature provide the budget and staffing resources sufficient for the JTC to investigate and resolve the increased volume of complaints it has been receiving over the last 4 years. Otherwise, the JTC cannot fulfill the responsibility entrusted to it by the electorate in 1968 and cannot protect the public or the integrity of the judiciary against bad actors – nor remove clouds that cast a shadow over the vast majority of honorable judges.

Respectfully,

/s/ Bruce A. Timmons

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