

# LEGISLATIVE AUDIT DIVISION

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## Judicial Standards Commission 23P-03

### Judicial Branch

**Audit Objectives** *(what the audit intends to accomplish, or questions auditors will answer):*

- Objective 1 – Does the current structure, composition and authority of the Montana Judicial Standards Commission align with other states for size, experience, jurisdiction and disciplinary authority?
- Objective 2 – Does the Montana Judicial Standards Commission review complaints consistently and provide disciplinary actions and recommendations according to internal rules and common national practices?

**Audit Scope** *(the boundary of the audit & subject matter auditors will assess):*

We will examine the structure of the Montana Judicial Standards Commission and the judicial conduct commissions of all other states to determine if Montana's commission is similar or dissimilar in their membership and structure. We will observe the JSC's processes for examining judicial complaints by reviewing complaints that were filed with the commission from 2012 to 2022 (approximately 597 case files). We will analyze data points including complaints within jurisdiction levels, regions of the state, type and number against judges, length of time to review and develop conclusions. Audit work will include:

- Interview commission members and national experts.
- Assess all other states' applicable policies, statutes, and annual reports.
- Review national reports and guidelines written by experts in the field of judicial ethics.
- Analyze judges' experiences and opinions through surveys and interviews.
- Review other states' procedures to identify oversight, public access to case outcomes, and investigative strategies.
- Conduct interviews with JSC members and investigators regarding case review practices.
- Review agendas, minutes, audio recordings of meetings, and all complaint case files from 2012-2022.
- Survey complainants for their perspective of the process and outcomes.
- Interview professional licensing boards in Montana to understand how they balance maintaining confidentiality through disciplinary processes while keeping the public informed.
- Contract with national expert to review and assess audit plan and outcomes.