BUILDING Trust IN JUDICIAL Account-ability



A Framework for Strengthening
State Judicial Conduct Commissions

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Letter from the Piper Fund

The survival of a healthy democracy depends on the integrity of its courts. To preserve the rule of law, judges must have the independence to decide cases free from political interference. Simultaneously, the public must have mechanisms to hold them accountable when they violate their ethical duties. Far from being in tension, independence and accountability are the mutually reinforcing pillars of a fair and healthy justice system.

For 15 years, the Piper Fund's Judicial Integrity program has worked to protect this vital balance. We support grassroots advocates defending state courts from political interference, strengthening public understanding of the judiciary, and advancing reforms that help ensure courts remain impartial. Our experience has made one thing increasingly clear: protecting judicial integrity requires not only shielding courts from outside pressure, but also ensuring that the oversight bodies responsible for reviewing complaints against judges are independent, credible, and effective.

That work is especially urgent and crucial today. As the U.S. Supreme Court increasingly returns major constitutional questions to the states, state courts have become the ultimate battlegrounds for defining fundamental rights. With this shift has come unprecedented political and public pressure. In some states, the very institutions designed to oversee judicial ethics—state judicial conduct commissions—have themselves become targets of legislative intervention and political manipulation.

To map this shifting landscape, the Piper Fund commissioned a review of judicial conduct commissions across all 50 states, supplemented by insights from legal scholars and grassroots advocates. This report evaluates how these commissions are governed, how they perform under political stress, and how accessible they are to the public. To make this research actionable, we have developed a comparative benchmarking tool: the State Judicial Conduct Commission Scorecard, which rates state systems across governance, accessibility, due process, and transparency. (To review the scorecard please reach out to Kathy Bonnifield at kbonnifield.lp@proteusfund.org.)

Because state courts and constitutions vary widely, our goal is not to prescribe a single, rigid model. Instead, this report looks at the evolution of independent oversight, outlines current challenges, and establishes a framework for reform. By viewing these systems through four foundational pillars we can identify the principles needed to build accountability systems that both the public and the judiciary can trust.

At a time when public confidence in courts is sharply declining, we must look critically at these oversight bodies. Not all judicial conduct commissions are functioning as strongly as they could, but by transforming them into robust and genuinely independent bodies, we can root out misconduct and unethical behavior. Demystifying and strengthening this process is vital to protecting the integrity of the bench, and ensuring that we have a justice system that serves everyone.

Introduction

Historical Context

Judicial conduct commissions are a relatively recent feature of the judicial system in the United States. For much of the nation's history, states relied on impeachment, legislative oversight, and internal disciplinary processes to address allegations of judicial misconduct. However, a series of high-profile judicial ethics scandals and corruption cases during the 1960s and 1970s exposed weaknesses in these existing systems and raised concerns about their independence and effectiveness. In the early 1970s, the Watergate scandal fundamentally reshaped public expectations around government ethics and accountability, creating momentum for stronger independent oversight across public institutions. As restoring public trust became a national priority, states began establishing independent judicial conduct commissions to investigate allegations of judicial misconduct and provide a more credible, consistent, and impartial system for judicial accountability.

California[1] established one of the nation's first modern judicial conduct commissions in 1960, providing an early model for independent judicial oversight. The movement gained additional momentum in 1972 when the American Bar Association adopted the Model Code of Judicial Conduct, establishing national standards for judicial ethics. Following Watergate, public demand for stronger ethics and accountability in government further accelerated reform efforts, while state bar associations, judicial reform organizations, and citizen-led initiatives helped build public support for independent state bodies responsible for investigating judicial misconduct.

More than fifty years later, judicial conduct commissions continue to serve the same fundamental purpose: providing an independent mechanism to investigate judicial misconduct while preserving judicial independence and public confidence in the courts. However, the environment in which they operate has changed considerably. In recent years, the United States Supreme Court has increasingly returned major questions of constitutional rights to the states, while narrowing federal protections. As a result, state courts now play a far more consequential role in resolving disputes involving abortion, voting rights, redistricting, religious liberty, and other fundamental questions of state constitutional law. This shift has brought unprecedented attention to state courts and judges, and to the institutions responsible for their oversight.

State judges are also increasingly navigating tensions between state judicial authority and federal action, particularly around immigration enforcement and ICE activity in state courthouses[2]. These conflicts have raised new questions about judicial independence and the appropriate boundaries between federal and state authority[3], including when conduct connected to a judge's official duties should be addressed through established state judicial discipline systems or through federal criminal enforcement. While these cases remain rare, they reflect the increasingly complex environ-

ment in which state judges and judicial accountability systems operate.

Against this backdrop, understanding how state-level judicial conduct commissions are structured, governed, and protected from political influence has become increasingly important. This report examines those questions by reviewing the landscape of judicial conduct commissions across the United States and proposing a framework to strengthen judicial accountability.

[1] "Mandate & Legislative History," State of California Commission on Judicial Performance, accessed August 18, 2026, https://cjp.ca.gov/mandate_legislative_history/.

[2] Douglas Keith, "ICE's New Courthouse Arrest Policy Set Them on a Collision Course with State Courts," State Court Report, April 25, 2025, https://statecourtreport.org/our-work/analysis-opinion/ices-new-courthouse-arrest-policy-set-them-collision-course-state-courts.

[3] "United States v. State of New York," Brennan Center for Justice, last modified June 17, 2026, https://www.brennancenter.org/our-work/research-reports/united-states-v-state-new-york.

How Judicial Conduct Commissions Work

Although the process varies by state, judicial conduct commissions generally follow a similar path. When someone files a complaint against a judge, the commission first reviews it to determine whether the allegations involve possible judicial misconduct. If they do, the commission may open an investigation and, in more serious cases, hold a formal hearing to determine whether misconduct occurred. If misconduct is found, the commission may impose certain forms of discipline itself or recommend discipline to the state supreme court. In many states, the state supreme court ultimately decides whether to impose more serious sanctions, such as suspension or removal from office.

States differ in how these responsibilities are divided. Some rely on a single commission to investigate and decide misconduct cases, while others separate those functions across different panels or bodies. The role of the state supreme court also varies, including whether it reviews commission decisions or has final authority over discipline. These differences in who investigates misconduct, determines whether a violation occurred, and ultimately imposes discipline are central to how judicial accountability systems operate.

Executive Summary

State judicial conduct commissions are the main institutions responsible for investigating allegations of judicial misconduct, enforcing judicial ethics, and preserving public confidence in state courts. Their role is to hold judges accountable for misconduct while protecting the independence of the judiciary and ensuring the fair administration of justice. Despite this critical role, judicial conduct commissions operate largely outside public view and remain poorly understood by the general public. Most Americans know little about how judicial ethics complaints are filed, investigated, or resolved, and many commissions provide limited information about their operations, investigative processes, or disciplinary outcomes.

At the same time, state courts are increasingly deciding politically contentious issues, including abortion, redistricting, voting rights, and religious liberty, bringing unprecedented attention to the judiciary. As these decisions become more politically salient, judicial conduct commissions are also facing greater scrutiny. In several states, commissions have become targets of legislative intervention, restructuring efforts, and politically motivated ethics complaints. These trends underscore the need for accountability systems that are independent, transparent, and trusted by both the public and the judiciary.

To better understand the current landscape, the Piper Fund commissioned a comprehensive review of judicial conduct commissions in all 50 states, supplemented by interviews with judicial ethics experts, academics, former commissioners, judges, legal practitioners, and state-based advocates working on judicial reform. This research informed the development of this report and a State Judicial Conduct Commission Scorecard, a tool that evaluates each state's commission across four core dimensions: governance, accessibility, due process, and transparency. The scorecard is a comparative benchmarking tool designed to evaluate the structural features of state-level judicial conduct commissions and institutional safeguards that support effective judicial accountability. For more information about the Scorecard, please reach out to Kathy Bonnifield, at kbonnifield.lp@proteusfund.org.

Overall, most judicial conduct commissions are fulfilling their intended purpose. Across the states, commissions generally investigate credible allegations of judicial misconduct and, where appropriate, impose or recommend disciplinary action. They also effectively distinguish between allegations of judicial misconduct and complaints arising from dissatisfaction with court cases and judicial decisions, the latter of which accounts for the overwhelming majority of complaints received. Because commissions are not appellate bodies, complaints challenging judicial decisions rather than alleging misconduct are appropriately dismissed. However, commissions vary considerably in their governance, responsibilities, transparency, accessibility, and operational processes, making it difficult to compare

systems or identify consistent best practices across states.

Rather than prescribing a single model, this report identifies core principles for effective judicial accountability and offers a practical framework that states can adapt within their own institutional and political contexts. The four pillars that follow translate those principles into concrete approaches for strengthening governance, transparency and accessibility, institutional capacity, and protection from political influence.

***Importantly, no individual governance feature should be viewed in isolation. Mechanisms that ordinarily strengthen judicial accountability—including confidentiality, anonymous complaint procedures, and judicial participation in oversight—can function very differently depending on the broader political environment in which they operate. Accordingly, this report evaluates institutional design and highlights case studies illustrating how the political environments in which judicial conduct commissions operate can complicate good governance.**

Core Principles for Judicial Accountability

Effective judicial accountability rests on several core principles: judicial independence, impartiality, transparency, and sufficient resources to do the work effectively. These principles reflect the rule of law and the constitutional role of an independent judiciary: judges must be free to decide cases based on the law and facts, without fear of political retaliation, while still being held accountable when they violate ethical standards. These same values are reflected in longstanding international standards, including the United Nations Basic Principles on the Independence of the Judiciary[4] and the Bangalore[5] Principles of Judicial Conduct, which recognize independence, impartiality, integrity, and accountability as essential to a fair and effective justice system.

[4] "Basic Principles on the Independence of the Judiciary," United Nations, accessed August 18, 2026, https://peacemaker.un.org/en/documents/basic-principles-independence-judiciary.

[5] "The Bangalore Principles of Judicial Conduct: ECOSOC Resolution 2006/23," United Nations Office on Drugs and Crime, accessed August 18, 2026, https://www.unodc.org/res/ji/import/international_standards/bangalore_principles/bangaloreprinciples.pdf.

A Framework for Effective Judicial Accountability: Four Pillars



A Framework for Effective Judicial Accountability

This report proposes four foundational pillars for strengthening state judicial conduct commissions and promoting long-term public confidence in the courts. Taken together, these four pillars represent the institutional characteristics shared by the strongest judicial conduct commissions across the United States. They provide a practical framework for evaluating existing commissions, identifying opportunities for reform, and strengthening public confidence in judicial oversight.

PILLAR ONE:
Independent Governance

Judicial accountability begins with independent institutions. Judicial conduct commissions can only do their jobs effectively if they are able to investigate complaints fairly, make decisions based on the facts, and operate without political pressure. As state courts become increasingly involved in high-profile and politically contentious issues, protecting the independence of these oversight bodies has become more important than ever. Strong governance helps ensure commissions remain fair, credible, and trusted by both the public and the judiciary.

PILLAR TWO:
Transparent and Accessible Accountability Systems

Public confidence depends on people understanding how judicial accountability works. Yet judicial conduct commissions often operate with limited public visibility, and many complaint processes remain difficult to navigate. When people cannot easily understand how complaints are filed, investigated, or resolved, confidence in the system suffers. Transparency and accessibility help demonstrate that judicial accountability is working while making it easier for the public to engage with and trust the process.

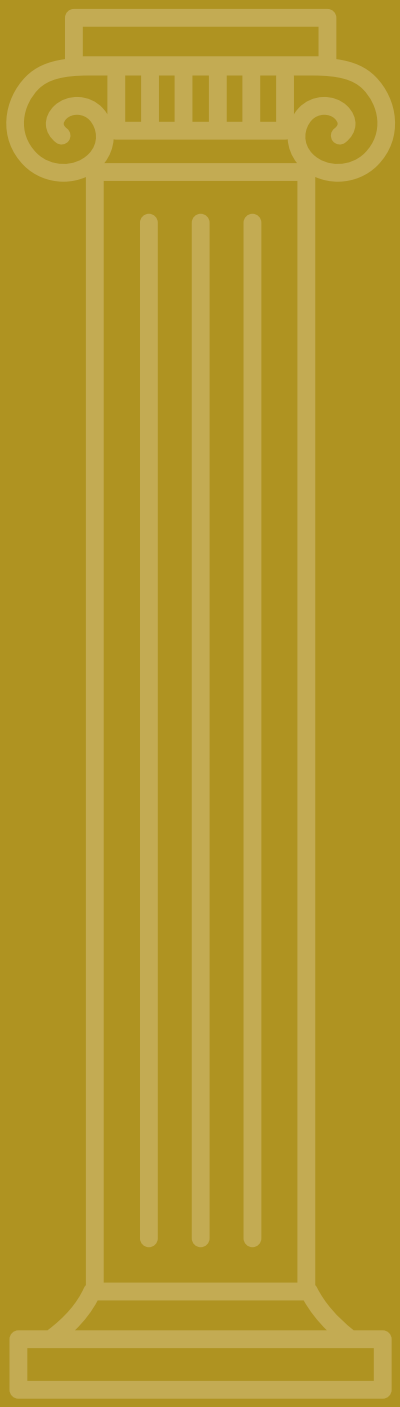
PILLAR THREE:
Effective and Well-Resourced Institutions

Even the strongest governance structures cannot succeed without the people, resources, and systems needed to carry out the work. Judicial conduct commissions need adequate staffing, investigative capacity, technology, funding, and training to review complaints fairly and efficiently. As complaint volumes grow and judicial ethics issues become increasingly complex, investing in strong institutions is essential to ensuring accountability systems remain effective and responsive.

PILLAR FOUR:
Protection from Political Influence

Judicial accountability systems must be able to hold judges accountable without becoming tools for political influence. Across the country, judicial conduct commissions are operating in an increasingly polarized environment where judges, courts, and oversight bodies face growing political scrutiny. Protecting commissions from legislative or executive interference, politically motivated complaints, and other efforts to influence the disciplinary process is essential to preserving both judicial independence and public confidence in the courts.

PILLAR ONE
Independent Governance



Independent Governance Is the Foundation of Effective Judicial Accountability

States vary considerably in how judicial conduct commissions are structured and governed. Appointment authority, commission composition, investigative authority, and disciplinary processes differ significantly, creating varying levels of independence and resilience to political influence. While there is no single model for an effective commission, it is clear that who appoints commissioners and who ultimately serves on the commission is the strongest determinant of whether a commission can be considered fair, independent, and credible.

The composition of a commission is more than an administrative decision—it is a fundamental safeguard against political influence and institutional bias. Judicial conduct commissions are responsible for investigating complaints against judges, making recommendations for discipline, and, in some states, imposing sanctions or removing judges from office. Because these decisions carry significant consequences for both members of the judiciary and the public, ensuring the commission is independent from any single branch of government, political party, or professional interest is critical.

Longstanding guidance from the American Bar Association and the Institute for the Advancement of the American Legal System (IAALS)[6] emphasizes that commission independence is strengthened when both appointment authority and commission membership are broadly distributed. Rather

than concentrating authority within a single institution, these recommendations call for commissions that include an equal mix of judges, attorneys, and public members selected through multiple appointing authorities.

Recent developments suggest some states are moving in the opposite direction. Legislative proposals have increasingly sought to alter commission composition or appointment authority in ways that concentrate political influence. In North Carolina[7], legislation enacted in 2023 shifted commission membership and replaced four attorney members appointed by the NC State Bar with four judges appointed by the General Assembly, reducing the State Bar's role in commission governance while increasing the role of the legislature. Montana restructured its Judicial Standards Commission[8] by increasing legislative involvement in appointments and Senate confirmation of judicial commissioners, while in 2019 Tennessee[9] increased the number of appointments made by legislative leaders, giving the House and Senate speakers authority to appoint half of the 16-member commission. Together, these developments reflect a broader trend toward increasing legislative involvement in the governance of judicial conduct commissions, underscoring the importance of institutional safeguards that protect commission independence from political influence.

Key Findings

The research identified several consistent themes regarding commission governance:



- **Appointment authority is one of the strongest determinants of commission independence.** Systems that distribute appointments across multiple institutions—including governors, legislatures, state supreme courts, and mandated state bars—are generally viewed as more resistant to political capture than those concentrated within a single appoint- ing aut hority. No single branch of government or political actor should control a majority of appointments. Two governance practices emerged as particularly important safeguards:

  - **Bipartisan appointment processes.** Appointment structures that require participation from both majority and minority legislative leadership can broaden institutional buy-in and reduce perceptions that commissions are controlled by a single political party. New York[10] distributes appointments in its commission across the Governor, the Chief Judge of the Court of Appeals, and both the majority and minority leaders of each legislative chamber, broadening institutional participation in commission appointments.

- **Partisan balance requirements in membership.** Some states require political balance among commission appointments to help prevent any single political party from dominating the commission. For example, Pennsylvania law[11] provides that no more than three of the six members appointed by the State Supreme Court may be registered with the same political party, and no more than three of the six members appointed by the Governor may be registered with the same political party.

- **Balanced commission composition strengthens both legitimacy and public confidence.** Commissions that include an equal mix of judges, attorneys, and members of the public are considered strong, as each group brings distinct expertise and perspectives to the disciplinary process. Judicial members provide firsthand understanding of judicial responsibilities, courtroom practice, and the ethical standards judges must navigate, while attorneys contribute legal expertise and public members bring perspectives from outside the profession. Too little public representation can reinforce the perception that judges are policing their own profession, while too little judicial representation can leave commissions without important practical expertise. At the same time, public members should receive appropriate training and support to meaningfully participate in commission deliberations, which often involve complex legal and ethical issues.

- **State bar participation is an important institutional safeguard.** State bars, in states where they are mandatory, can play an important role in appointing attorney representatives to commissions. In addition to contributing legal expertise and diversifying appointment authority, attorneys selected through the Bar often bring significant firsthand experience appearing before and interacting with judges across the state, providing practical insight into judicial conduct and courtroom practice. State bar participation can also serve as a counterbalance to appointments made by political actors. Recent efforts in some states to reduce the Bar's role in commission governance have occurred alongside broader political challenges to the independence of the legal profession.

- **Merit-based selection processes for commission members can improve institutional credibility.** Transparent qualifications, conflict-of-interest standards, and clearly defined eligibility criteria can help insulate commissions from political influence while strengthening public confidence in commissioner appointments. For example, Colorado requires judicial members of its discipline commission to be selected from nominee pools. Judges facing disciplinary proceedings, those who have previously been sanctioned, and those with conflicts requiring recusal are excluded, while county requirements help diversify membership. These practices can broaden the pool of potential commissioners and make appointments less dependent on political or personal networks. Although merit-based appointment systems are relatively uncommon in the United States, international experts consistently identified them as an important safeguard in countries such as Kenya and Montenegro that have undertaken recent judicial governance reforms.

Emerging Best Practices

Several governance practices consistently emerged as characteristics of strong and independent judicial accountability systems:



- Appointment authority is distributed across multiple institutions rather than concentrated within a single branch of government.
- Appointment structures include safeguards that reduce the risk of political capture, including partisan balanced membership requirements or bipartisan appointment processes, where appropriate.
- Commissions include a balanced mix of judges, attorneys, and members of the public, and their membership reflects the diversity of the communities they serve.
- State bars, where mandatory, play a meaningful role in commissioner appointments by contributing legal expertise and helping diversify appointment authority.
- Commissioners are selected through transparent qualifications, merit-based criteria, and screened for potential conflicts of interest.
- Commission membership limits the participation of current and former elected officials and other overtly partisan political actors to reduce conflicts of interest and protect commission independence.
- Commissioner terms are staggered to preserve institutional continuity and prevent any single appointing authority from rapidly reshaping commission membership.
- Commission members serve fixed terms and can only be removed for clearly defined reasons. Where an appointment or confirmation is required, it occurs promptly and at the beginning of a commissioner's term so the process cannot later be used to pressure or remove commissioners because of unpopular decisions.
- Commissions possess sufficient authority and operational independence to investigate allegations fairly and impartially, including the ability to self-initiate investigations, without a formal complaint.

Ultimately, independent governance is the cornerstone of an effective judicial accountability system. Without public confidence that commissions are insulated from political influence and capable of making impartial decisions, even well-intentioned disciplinary systems risk losing the legitimacy necessary to fulfill their core mission.

CASE STUDY: When Appointment Processes Become Political

Wisconsin illustrates how commission independence can be undermined through the appointment and confirmation process. Following the election of Wisconsin Supreme Court Justice Janet Protasiewicz in 2023, the Judicial Commission dismissed several ethics complaints seeking her recusal from a high-profile redistricting case. Shortly thereafter, the Wisconsin Senate held confirmation hearings for five Judicial Commission members who had already been serving on the Commission for more than a year. During the hearings, senators repeatedly questioned commissioners about hypothetical ethics complaints that closely mirrored those recently dismissed against Justice Protasiewicz, prompting criticism that the confirmation process had become a proxy for relitigating the underlying recusal dispute rather than evaluating the qualifications of the nominees. Several legislators argued the Commission had failed to remain politically neutral, while others described the hearings as an effort to pressure commissioners over decisions they had already made. Ultimately, the Senate voted against confirming four commissioners, essentially removing them from their positions.

KEY TAKEAWAY: Wisconsin demonstrates that independent appointment structures alone are insufficient if commission members remain vulnerable to political retaliation after taking office. Legislative confirmation is not necessary for an independent appointment process and, in highly polarized environments, may itself create opportunities for political interference. Where confirmation is required, clear timelines and procedures should prevent it from being delayed or used to remove commissioners in response to politically sensitive decisions. More broadly, commissioners should have secure terms and clearly defined removal-for-cause protections that insulate them from political retaliation.

[6] "Recommendations for Judicial Discipline Systems," Institute for the Advancement of the American Legal System, July 2018, https://iaals.du.edu/sites/default/files/documents/publications/recommendations_for_judicial_discipline_systems.pdf.

[7] " Shea Denning, "2023 Appropriations Act Enacts Significant Court-Related Changes," School of Government at The University of North Carolina at Chapel Hill, September 27, 2023, https://nccriminallaw.sog.unc.edu/2023/09/27/2023-appropriations-act-enacts-significant-court-related-changes/.

[8] "Arren Kimbel-Sannit, "GOP legislative efforts to reshape judicial procedures gain steam," Montana Free Press, February 1, 2023, https://montanafreepress.org/2023/02/01/legislative-efforts-to-reshape-judicial-procedures-are-gaining-steam/.

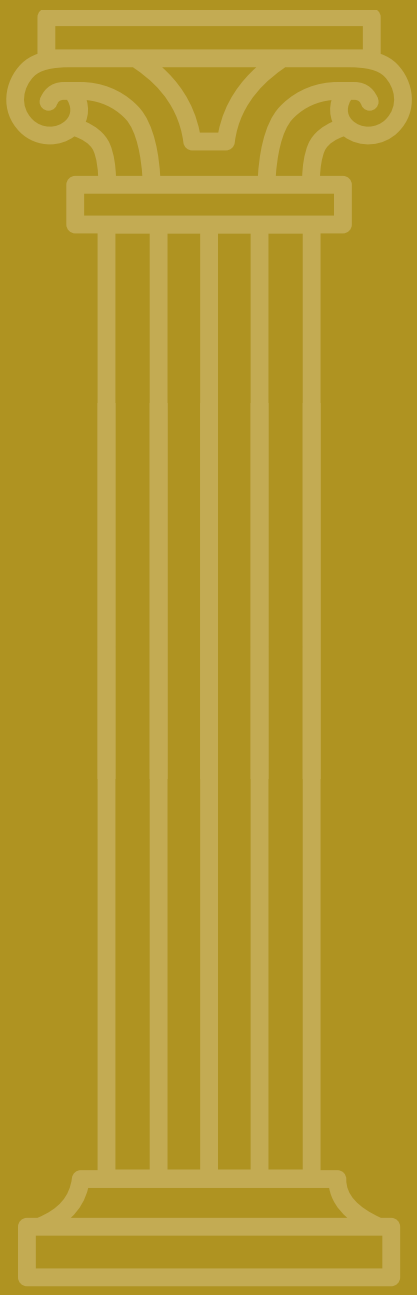
[9] "H.B. 513, 111th Gen. Assemb., Reg. Sess (Tn. 2019)

[10] "About Us," New York State Commission on Judicial Conduct, accessed August 18, 2026, https://cjc.ny.gov/General.Information/Gen.Info.Pages/About.us.html.

[11] "Selected Provisions of the Constitution of the Commonwealth Of Pennsylvania," Judicial Conduct Board of Pennsylvania, accessed August 18, 2026, https://judicialconductboardofpa.org/constitutional-provisions/.

PILLAR TWO

Transparent and Accessible Accountability Systems



Transparency and Accessibility Build Public Trust

Public confidence depends on understanding how judicial accountability systems work. Yet judicial conduct commissions often operate with limited public visibility, and many complaint processes remain difficult to navigate. Most members of the public know little about what constitutes judicial misconduct, how complaints are investigated, or why commissions reach the decisions they do. When accountability systems are difficult to understand or access, public confidence suffers regardless of whether commissions are functioning effectively or not.

Transparency is essential to building trust, but must be carefully balanced with the confidentiality necessary to protect the integrity of investigations and judicial reputation. While greater public reporting can strengthen confidence in judicial accountability systems, premature disclosure of complaints or information can unfairly damage judicial reputations, discourage complainants from coming forward, and create opportunities for political misuse. The strongest systems provide meaningful public visibility into commission operations while maintaining appropriate confidentiality throughout the investigative process, allowing the public to understand why decisions have been made after investigations have properly been conducted.

Recent events in Utah illustrate both the importance and fragility of confidentiality protections. In 2026, a confidential Judicial Conduct Commission report involving Utah Supreme Court Justice Diana Hagen[14] was

disclosed to members of the legislature and subsequently leaked to the media after the Commission had dismissed the underlying complaint. The Commission later opened an internal investigation into the disclosure and revised its procedures for handling confidential investigative materials. Notably, Utah law requires four sitting state legislators, two representatives and two senators[15], to serve on the Judicial Conduct Commission, giving elected officials a direct role in judicial discipline. Although the source of the disclosure has not been established, the episode shows how the makeup of a commission, as well as its internal procedures, can affect its ability to protect confidential information.

Key Findings

The research identified several consistent themes across states regarding transparency and accessibility:



- **Judicial conduct commissions are largely invisible to the public.** Most commissions provide limited information to the public beyond complaint forms, commission membership, and links to the judicial ethics code. Public reporting on complaint volumes, investigations, disciplinary outcomes, and commission operations varies considerably across states, making it difficult for the public to understand whether commissions are functioning effectively. A small number of states, including Arizona, California, New Mexico, and New York, have adopted more robust public-facing practices, such as comprehensive annual reports and searchable databases on disciplinary decisions. However, these remain the exception rather than the rule.

- **Complaint processes are often designed for legal professionals rather than the public.** Many commission websites simply direct people to the state's judicial code of ethics without explaining, in plain language, what judicial misconduct is or whether a complaint falls within the commission's authority. As a result, members of the public are often left to figure out on their own whether a judge's conduct violates the ethics rules. In some states, additional requirements, such as notarizing complaints or submitting them by mail, create even more barriers. Together, these challenges make it unnecessarily difficult for people to access a system that is intended to serve them.

- **Communication with complainants is often limited.** In many states, complainants receive little information after submitting a complaint beyond notice of the final disposition. Clear acknowledgment, information about the process, and reasonable status updates can make the system more accessible without compromising investigative confidentiality.

- **Public understanding of judicial misconduct remains limited.** The overwhelming majority of complaints against judges arise from dissatisfaction with judicial decisions rather than allegations of ethical misconduct. Because commissions are not appellate bodies, these complaints are appropriately dismissed. However, the frequency of these complaints underscores the need for greater public education about the purpose of commissions and focus on judicial misconduct, directing the public to other resources when they may be unhappy with their case outcomes.
- **Public reporting and performance data is inconsistent nationwide.** Annual reports vary significantly in both quality and content. Some commissions publish detailed information about complaint volumes, case processing times, disciplinary outcomes, and commission activities, while others provide little or no public reporting. The absence of consistent reporting standards makes meaningful comparisons across states difficult and limits opportunities for states to learn from one another or share best practices.

Emerging Best Practices

Across the research, several practices consistently emerged as characteristics of more transparent, accessible, and publicly trusted judicial accountability systems:



- Commissions provide clear, plain-language definitions of what constitutes judicial misconduct and what does not, including standards guiding when more serious sanctions are appropriate.
- Commissions provide online complaint filing options without notarization or mail-in requirements, to reduce unnecessary barriers to public participation.
- Commissions provide options to report potential misconduct confidentially or anonymously when retaliation is a legitimate concern, while preserving judges' ability to fairly respond to allegations.
- Commissions communicate clearly with complainants throughout the disciplinary process and provide expected timelines for resolution where possible.
- Commissions provide plain-language explanations for dismissed complaints, particularly when allegations concern disagreement with a judicial decision rather than misconduct.
- Commissions publish annual reports that provide meaningful information on complaint volumes, resolutions, types of investigations, disciplinary outcomes, commission activities, and trends over time, including aggregate demographic information to help identify potential disparities.
- Commissions maintain databases where disciplinary decisions are easily searchable and

explanations provided in cases of dismissal.

- Public education materials, including multi-language options, are provided that clearly explain the role of judicial conduct commissions, the rules concerning judicial ethics, and distinguish judicial misconduct from disagreements with case outcomes.

CASE STUDY: Transparency in Practice

Several states have adopted innovative approaches to improving transparency while preserving the confidentiality necessary for effective judicial discipline. New York publishes comprehensive annual reports and a searchable database of disciplinary decisions by judge, county, year, and type of discipline[16]. California[17] provides public access to formal hearings and summaries of both public and private disciplinary actions, ensuring confidentiality by anonymizing judges' identities for private disciplinary actions. Arizona[18] publicly posts resolved complaints and their outcomes, anonymizing dismissed complaints to protect the identities of judges and complainants alike.

Transparency reforms, however, can be difficult to sustain. Virginia illustrates both the opportunities and challenges of transparency reform. In 2023, the General Assembly enacted bipartisan legislation requiring the Judicial Inquiry and Review Commission (JIRC) to publicly identify judges found to have violated the Canons of Judicial Conduct, disclose the provisions violated, and report the disciplinary action imposed[19]. However, in 2025, legislators amended the law to require that the Commission first submit its annual report to legislative leaders[20], who may determine whether portions should be rescinded or redacted before public release. If no action is taken within 30 days, the report is automatically published. Virginia's experience demonstrates that even broadly supported reforms may prove fragile without enduring statutory protections and political commitment.

KEY TAKEAWAY: There is no single model for transparency. States have adopted a range of approaches to increase public understanding and accountability while preserving confidentiality during investigations. Anonymization can help protect confidentiality, but may be less effective in lower-population states or smaller judicial communities, where the circumstances of a complaint may be enough to identify the judge or complainant even without a name. Commissions should therefore consider both what information is removed and whether the remaining information could reveal an individual's identity. Transparency reforms also require ongoing political and institutional commitment in order to endure.

[16] "Determination Database," New York State Commission on Judicial Conduct, accessed August 18, 2026, https://cjc.ny.gov/Determinations/DeterminationDatabase.html

[17] "Private Discipline," State of California Commission on Judicial Performance, accessed August 18, 2026, https://cjp.ca.gov/private_discipline_summaries/.

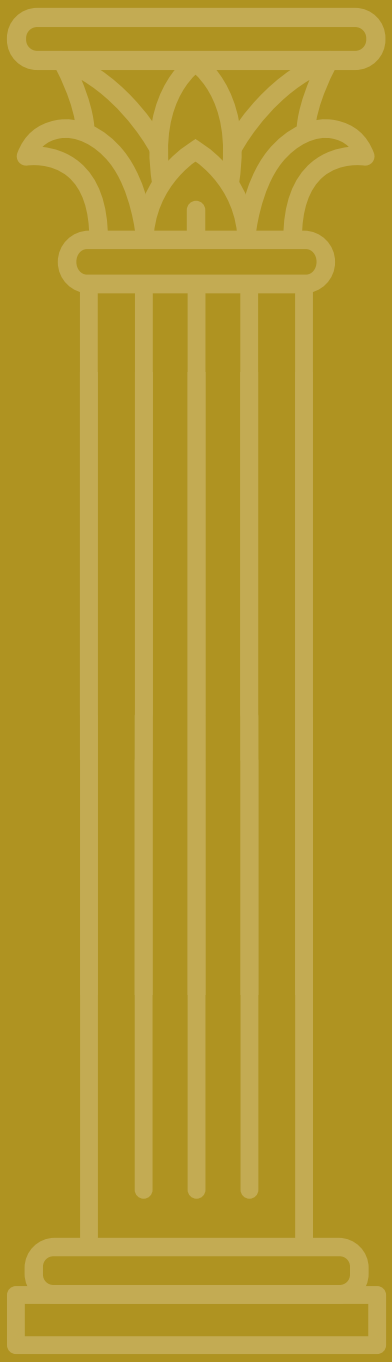
[18] "Public Decisions," Arizona Commission on Judicial Conduct, accessed August 18, 2026, https://azcjc.azcourts.gov/Public-Decisions.

[19] "Michael Phillips, "Virginia Lawmakers Quietly Re-Seal Judicial Misconduct Records After Brief Transparency Window," Virginia Bay News, January 10, 2026, https://mikethunderphillips.substack.com/p/virginia-lawmakers-quietly-re-seal.

[20] S.B. 804, Reg. Sess (Va. 2026)

PILLAR THREE

Effective and Well-Resourced Institutions



Effective Institutions Require More Than Strong Governance

Independent governance and transparent procedures provide the foundation for judicial accountability, but they are not sufficient on their own. Judicial conduct commissions must also have the resources, expertise, and operational capacity to carry out their responsibilities effectively. Without adequate staffing, investigative authority, independent funding, and training, even well-designed commissions may struggle to investigate complaints in a timely, consistent, and fair manner.

States have adopted different models for carrying out this work. Most use a single-body model, in which one commission investigates complaints, conducts hearings, and issues disciplinary decisions or recommendations. Others separate investigative and adjudicative responsibilities across multiple panels or independent bodies. Although no single organizational model emerged as necessary for an effective system, separating investigative and adjudicative functions—either through separate bodies or internal safeguards—provides an important check against concentrating too much authority within a single decision-making body.

As complaint volumes increase and judicial ethics issues become more complex, institutional capacity has become just as important as institutional design in ensuring effective judicial accountability.

Key Findings

The research identified several consistent themes regarding structures, capacity, and resourcing for commissions.



- **Resourcing and capacity vary considerably across states.** Commission size, staffing levels, investigative authority, budgets, and administrative support differ significantly across states. Some commissions maintain dedicated investigative staff and the ability to retain outside counsel or special investigators when necessary, while others rely on limited personnel and administrative support. These differences can affect how efficiently complaints are investigated and resolved and result in inconsistent case management.

- **Technology and administrative systems have not kept pace with modern expectations.** Many commissions continue to rely on paper complaint forms, notarization requirements, and limited online resources. Modernizing complaint management systems, electronic filing, and public-facing websites can improve both administrative efficiency and public accessibility while reducing unnecessary burdens on complainants.

- **Training and professional development remain underdeveloped across many states.** Although national training resources and convenings are available, including through the National Center for State Courts[21], commissions vary considerably in the orientation and ongoing education provided to their members[22]. Public members, in particular, often participate in deliberations involving complex legal and ethical issues without formal training on judicial ethics, disciplinary procedures, or the legal standards governing judicial misconduct.

- **Timely complaint resolution strengthens both accountability and fairness.** Lengthy investigations can undermine public confidence by delaying accountability while also imposing unnecessary burdens on judges who are ultimately cleared of misconduct. Several states have adopted timelines for complaint review or investigation, although few consistently measure or report performance against those benchmarks. Timelines alone, however, are not enough. Commissions need sufficient staffing and investigative resources to meet them without compromising the quality or fairness of investigations.

- **Performance measurement is inconsistent.** Few commissions collect or publish consistent information regarding staffing levels, investigative workloads, or case processing times. Without common benchmarks, it is difficult for commissions to assess their own effectiveness or identify opportunities for improvement. The development of standardized performance measures would strengthen accountability while supporting continuous institutional learning across states.

Emerging Best Practices

Across states, several institutional characteristics consistently emerged as contributing to stronger and more effective judicial accountability systems:



- Commissions maintain independent funding and budget authority, separate from the judicial branch, to strengthen their fiscal and operational independence.
- Commissions use modern technology and online systems to improve both administrative efficiency and public accessibility.
- Commissioners receive standardized orientation and ongoing training, particularly public members, with greater opportunities for national training, convenings, and peer-learning on judicial ethics and discipline.
- Commissions establish clear operational benchmarks, monitor performance, and track patterns across complaints and misconduct to identify opportunities for early intervention.
- Commissions adopt written procedural rules and binding codes of conduct for commissioners and staff, including clear conflict-of-interest, recusal, attendance, and accountability requirements.
- Investigative and adjudicative functions are separated, either through independent bodies, separate panels, or internal safeguards, so that those responsible for investigating allegations are not solely responsible for deciding whether misconduct occurred.
- Commissions participate in consistent national reporting and benchmarking to identify best practices, support cross-state learning and promote continuous institutional improvement.
- Commissions establish clear timelines for complaint review and disposition, support those timelines with sufficient staffing and resources, and publicly report performance against those benchmarks.
- Commissions ensure judges have access to timely, written ethics guidance and advisory opinions to clarify ethical expectations and help prevent misconduct from occurring.

CASE STUDY: Reform Requires Sustained Leadership, Funding, and Implementation

Following a series of judicial misconduct and workplace culture controversies, Colorado undertook one of the nation's most comprehensive judicial accountability reform efforts between 2023 and 2024. Prompted in part by investigations into failures of oversight within the Judicial Department, including the public censure of former Chief Justice Brian Boatright[23] and scrutiny surrounding a $2.75 million contract awarded to an administrator after allegations of workplace misconduct, the legislature and voters approved sweeping changes to strengthen judicial accountability. These reforms included restructuring disciplinary processes, increasing transparency, creating an Independent Judicial Discipline Adjudicative Board through Amendment H, and appropriating funding to support implementation.

Not every reform, however, moved successfully from statute to practice. As part of the 2023 reform package, lawmakers created the Office of the Judicial Discipline Ombudsman to provide an independent resource for Judicial Department employees. But the board responsible for selecting the Ombudsman never convened, the position was never filled, and the office never became operational. By 2026, the Joint Budget Committee recommended repealing the office[24], citing both its failure to launch and potential overlap between its intended responsibilities and those of the existing Commission on Judicial Discipline. Lawmakers ultimately repealed the office with broad bipartisan support.

KEY TAKEAWAY: Colorado demonstrates that high-profile judicial controversies can create important opportunities for public education, build understanding of judicial accountability, and generate momentum for reform. But meaningful reform requires more than creating new institutions. Sustained leadership, adequate resources, and clearly defined responsibilities are necessary to move reforms from statute to practice. Colorado's experience also underscores the importance of designing new oversight mechanisms that complement, rather than duplicate, existing accountability institutions.

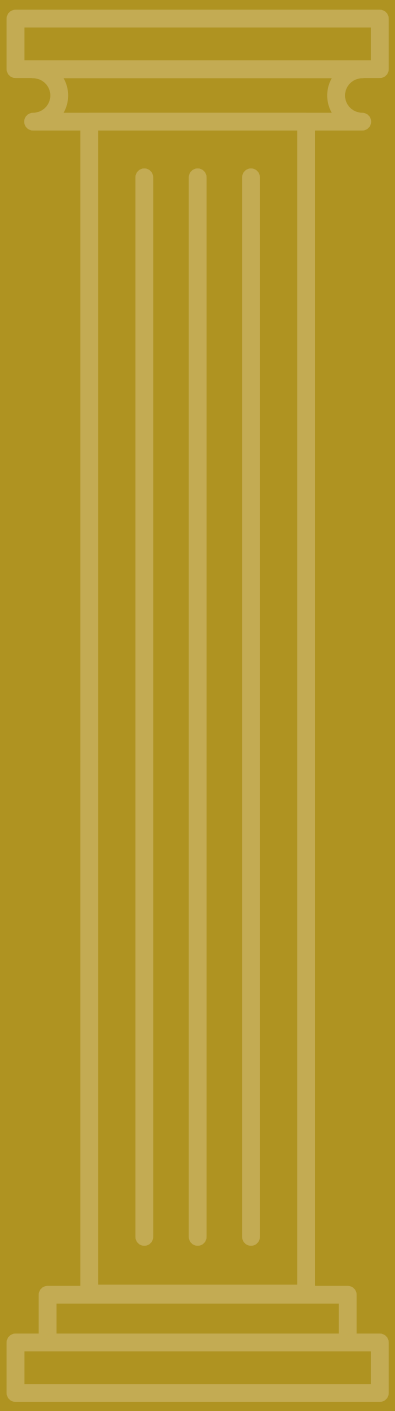
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PILLAR FOUR
Protection from Political Influence



Judicial Systems Are Under Political Pressure

Judicial accountability systems must be able to hold judges accountable without becoming instruments of political influence. As recent United States Supreme Court decisions have increasingly turned major constitutional questions back to the states, state courts have assumed a more prominent role in resolving issues involving individual rights and governmental authority. As the importance of state courts has grown, so too has public scrutiny of judges and the institutions responsible for judicial accountability. Judicial conduct commissions are increasingly facing legislative interventions, politically motivated complaints, impeachment efforts tied to judicial decisions, and broader efforts to reshape their governance. These pressures can be particularly acute in cases involving state supreme court justices, because state supreme courts are often the final authority to review commission recommendations and impose serious discipline—setting up a system that requires justices to decide matters involving their own colleagues.

One of the clearest findings from the research was that governance structures cannot be evaluated in isolation. Institutional safeguards that ordinarily strengthen judicial accountability —including several described in this report— can also become vulnerable to political misuse. A commission may be well designed yet still face significant political pressure that turns those safeguards into tools of political influence. Effective judicial accountability therefore depends not only on strong governance and institutional design, but also on whether those structures enable the system to remain resilient under political pressure.

Key Findings

The research identified several consistent themes regarding the political pressures facing judicial conduct commissions and the safeguards needed to protect their independence.



- **Judicial accountability systems are increasingly operating in politically polarized environments.** As state courts assume a greater role in resolving contentious constitutional questions, judicial conduct commissions are being asked to handle complaints related to broader political debates. Governance structures designed decades ago are now being tested in ways that had not previously been anticipated.

- **Legislative efforts to reshape judicial accountability are increasing.** Several states have recently proposed or enacted changes affecting commission composition, appointment authority, disciplinary procedures, or broader judicial governance. While some reforms seek to strengthen accountability, others weaken the role of independent judicial conduct commissions by shifting disciplinary authority to more overtly political institutions. In Louisiana[25], for example, lawmakers created a legislative process for removing judges that operates alongside the existing judicial commission, establishing an alternative and explicitly political pathway for judicial accountability. In North Carolina[26], lawmakers passed legislation that would expand the state Supreme Court's disciplinary authority and allow the Chief Justice, following a recommendation from the Judicial Standards Commission, to suspend trial judges without pay while disciplinary proceedings remain pending. Governor Josh Stein[27] vetoed the bill, arguing that it would concentrate too much disciplinary authority in the Chief Justice and threaten judicial independence.

- **Politically motivated ethics complaints are becoming more common.** Increasingly, ethics complaints are being filed by political actors, either immediately before judicial elections or following controversial judicial decisions. Although commissions generally distinguish these complaints from legitimate allegations of misconduct, the complaint process itself can become a political tool capable of influencing public perception regardless of the eventual outcome. In Montana[28], for example, a state senator refiled ethics allegations against Supreme Court Justice Laurie McKinnon that had previously been dismissed by the Judicial Standards Commission. The renewed complaints came after lawmakers restructured the Commission's appointment process to give elected officials greater control over its membership. Unlike the earlier complaints, which were summarily dismissed, the newly constituted Commission asked McKinnon to formally respond.

- **Federal intervention is creating a new source of pressure on state judicial independence.** Recent conflicts involving federal immigration enforcement in state courthouses have raised questions about when

disputes over a judge's official conduct should remain within established state judicial accountability systems and when federal criminal enforcement is appropriate. While judges remain subject to criminal law, the use of federal enforcement authority in disputes involving judicial functions raises broader concerns about federalism, judicial independence, and the potential for criminal law to become another avenue for political pressure on state courts[29].

- **Institutional safeguards are most valuable before political conflict emerges.** Governance structures often receive little attention until they are tested by controversy. Distributed appointment authority, balanced commission composition, conflict-of-interest protections and transparent procedures help commissions withstand periods of heightened political pressure while maintaining public confidence in the disciplinary process.

Emerging Best Practices

Research across the states suggests that resilient judicial accountability systems share several common characteristics:



- Independent judicial conduct commissions retain primary responsibility for investigating misconduct and recommending discipline, rather than being bypassed in favor of political bodies, while state supreme courts may retain final authority over serious sanctions.

- States protect core commission governance provisions, including appointment authority, commission composition, terms of service, and removal protections, through constitutional or other durable legal mechanisms that reduce opportunities for politically motivated restructuring.

- States establish independent substitution procedures when state supreme court justices face discipline, allowing substitute judges or another independent body to review or impose sanctions rather than requiring the court to judge its own members.

- Commissions establish clear timelines for reviewing and resolving complaints so that politically motivated ethics allegations cannot influence judicial elections or campaigns.

- Commissions undergo independent audits and periodic reviews to evaluate performance, identify vulnerabilities, and strengthen institutional accountability.

CASE STUDY: When Ethics Complaints Become Politicized

North Carolina illustrates how judicial conduct systems can become entangled in broader political disputes. In June 2023, North Carolina Supreme Court Justice Anita Earls publicly discussed concerns about implicit bias, racial diversity, and gender inequities within the state's judiciary, including the Court's decision to disband a commission studying bias in the judicial system. Shortly thereafter, the North Carolina Judicial Standards Commission notified Earls that it was investigating whether her comments violated the Code of Judicial Conduct. Earls filed a federal lawsuit, arguing that the investigation infringed upon her First Amendment rights and had already caused her to decline speaking and writing opportunities on issues relating to the administration of justice. Although a federal court declined to halt the investigation, the Commission ultimately closed the matter without disciplinary action in January 2024, after which Earls voluntarily dismissed her lawsuit.

Political concerns resurfaced during the 2024 North Carolina Supreme Court election. One month before the election, three state senators publicly announced that they had filed an ethics complaint against Justice Allison Riggs, alleging campaign-related violations of the Code of Judicial Conduct. Although the Judicial Standards Commission has taken no public disciplinary action and North Carolina law keeps proceedings confidential unless discipline is imposed, the decision to publicly release the complaint before any investigation had concluded was widely criticized as an attempt to influence public opinion during an active judicial election.

KEY TAKEAWAY: North Carolina demonstrates how judicial discipline can become part of broader political conflict even when no misconduct is ultimately found. Ethics complaints involving judges' public statements or filed during election cycles can themselves impose reputational and professional costs, underscoring the importance of procedures that protect both accountability and judicial independence.

[25] S.B. 479, Reg. Session (La. 2026).

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Conclusion

Conclusion

Protecting judicial accountability systems from political influence is not about shielding judges from legitimate oversight. Rather, it is about ensuring that disciplinary systems remain focused on judicial ethics rather than political disagreement. As pressures on state courts continue to grow, commissions that are independent, transparent, well-resourced, and institutionally resilient will be best positioned to maintain both judicial accountability and public confidence.

Looking ahead, the greatest opportunity extends beyond institutional reform. Strengthening judicial accountability also requires strengthening public understanding of how these systems operate and why they matter. Public education efforts can help distinguish judicial misconduct from disagreements with judicial decisions, while greater transparency can build confidence that commissions are functioning fairly and effectively. During high-profile judicial controversies, clear and coordinated public communication is essential to reduce misinformation, reinforce the distinct role of judicial conduct commissions, and maintain confidence in the integrity of the disciplinary process.

Ultimately, effective judicial accountability depends not only on strong institutions, but also on an informed public that understands how those institutions protect the public by ensuring both judicial independence and accountability. Framing judicial accountability reforms around judicial integrity, public trust, anti-corruption, and the rule of law, rather than partisan disagreement will be essential to preserving confidence in the judiciary for years to come.

About This Report

About the Research Team

This report was commissioned by Piper Fund and prepared by the Civitas Public Affairs Group team of Rubab Hassan, Senior Director; Sonya Desai, Associate; and Victoria Fong, Associate. Civitas Public Affairs Group, an Orchestra company, is a values-based public affairs firm that delivers winning advocacy campaigns for clients and the communities they serve. Civitas enlists experts, leverages relationships, and builds coalitions to address some of the most pressing political and societal challenges of our day, including conservation and clean energy, early care and family strengthening, contraceptive care and access, election modernization, and LGBTQ freedom.

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For more information about this report and the work of Piper Fund's Judicial Integrity Project, please email Kathy Bonnifield, Senior Program Officer, at kbonnifield.lp@proteusfund.org.

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