

COMMISSION ON JUDICIAL FITNESS

The Commission on Judicial Fitness and Disability investigates and acts upon complaints of judicial misconduct or disability. The basis for a finding of misconduct is a violation of the Oregon Code of Judicial Conduct. The Commission has jurisdiction over the state’s 32 justices of the peace, 173 circuit court judges, 17 appellate court judges, the tax court judge, pro tem judges, and 45 Plan B senior judges. It does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges.

COMMISSION ON JUDICIAL FITNESS	2009-11 Actuals	2011-13 Leg. Approved	2013-15 Current Service Level	2013-15 Governor's Budget	2013-15 Co-Chairs' Budget (1.0)	% Change 2011-13 LAB to 2013-15 CSL
General Fund	156,451	178,470	205,844	199,670	0	15.3%
TOTAL FUNDS	\$156,451	\$178,470	\$205,844	\$199,670	\$0	15.3%
Positions	1	1	1	1	0	0.0%
FTE	0.50	0.50	0.50	0.50	0.00	0.0%

Major Revenues	Budget Environment	Comparison by Fund Type
<ul style="list-style-type: none"> The Commission is fully funded by General Fund. 	<ul style="list-style-type: none"> Agency staff consists of one half-time Executive Director. The Executive Director is also an attorney in private practice. The Commission traditionally receives approximately 130 written complaints per year. In 2011, the number was 113 complaints and in 2012 it was 140 (through mid-October). A significant number of these are found to fall outside the Commission’s statutory authority to investigate judicial misconduct, and are dismissed. If there is sufficient evidence in support of a complaint, a formal investigation is conducted by outside counsel hired by the Commission. When formal charges are made, a public hearing is held, the outcome of which is either the judge’s exoneration or a 	<p>The chart displays funding levels in millions of dollars for four periods: 2009-11, 2011-13, 2013-15 CSL, and 2013-15 GB. Each period shows a consistent funding level of \$0.2 million. The legend indicates that this funding is primarily from the General Fund/Lottery, with minimal contributions from Other Funds and Federal Funds.</p>

Major Revenues	Budget Environment	Comparison by Fund Type
	<p>recommendation by the Commission to the state’s Supreme Court to censure, suspend, or remove the subject judge.</p> <ul style="list-style-type: none"> ● The Supreme Court’s determination on the Commission’s recommendation is a final decision, but may be appealed to the U.S. Supreme Court. ● The Commission budgets for both normal and extraordinary expenses. The normal operating budget pays for a half-time executive director, office rental, office supplies, meeting accommodations, travel reimbursements, and initial investigations. ● Extraordinary expenses include costs to pay outside attorneys to investigate possible judicial misconduct. The agency’s budget can currently finance less than 70 hours of investigative or attorney work. ● A case determined by the Supreme Court typically takes two years to prosecute at an estimated cost to the state of over \$50,000 General Fund. 	

MAJOR CHALLENGES AND DECISION POINTS

<ol style="list-style-type: none"> 1. The agency is requesting \$6,650 General Fund to fund a 6% salary increase for the Executive Director. The position last received a salary increase in 2009. 2. The agency is requesting \$21,800 General Fund to restore funding to hire an outside attorney to investigate one case of possible judicial misconduct (extraordinary expenses). These funds would only be spent if the Commission finds cause to move a case forward. 3. The Governor included a \$31,550 General Fund reduction to the Commission as part of his overall recommended budget. If both of the agency's requested policy option packages were approved, the \$31,550 reduction would leave the agency with total General Fund support 3% below CSL. 	
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