



Ways and Means Budget Overview 2017 Session

February 13, 2017



Agenda

Commission Overview

- Mission
- Organization
- Operation

2015-17 Recap

2017-19 Budget Overview and Policy Option Packages



Mission Statement and Statutory Authority

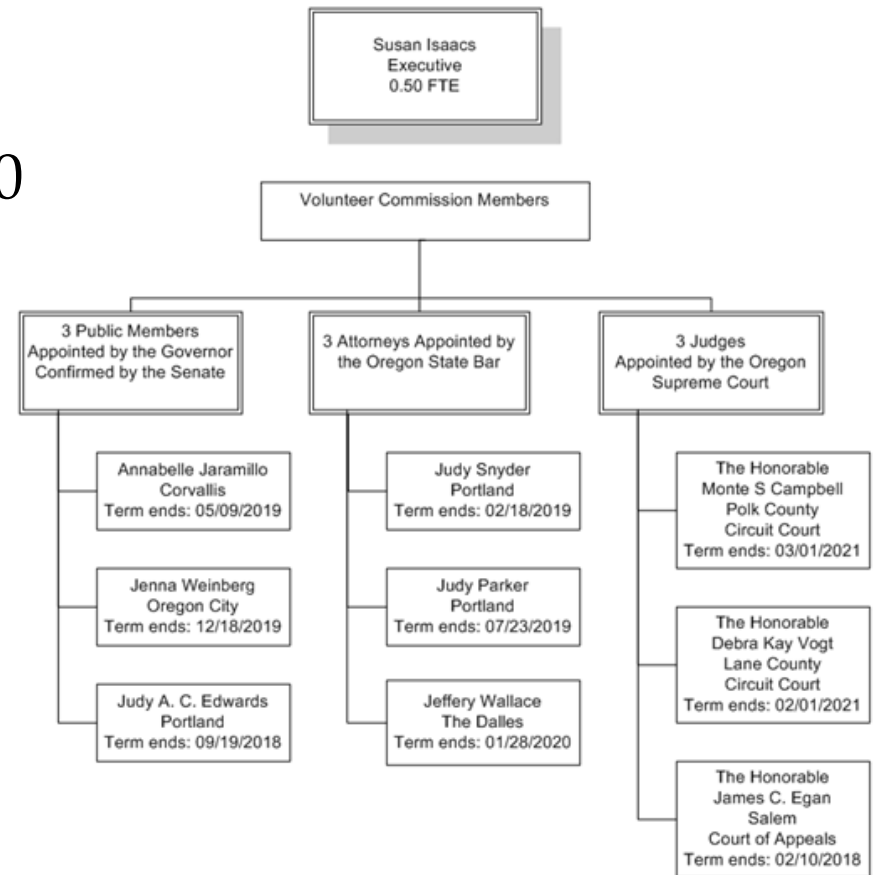
The mission of the Commission is to ensure the quality and effectiveness of the state judicial system.

- Statutory authority under ORS 1.410 to ORS 1.480.
- Acts upon complaints of judicial misconduct and disability
- Jurisdiction over Oregon's:
 - 32 Justices of the Peace
 - 20 Appellate Court Judges
 - 53 Plan B Senior Judges
 - 173 Circuit Court Judges
 - Tax Court
 - Pro Tem Judges
- No jurisdiction over municipal court judges, arbitrators or administrative law judges



Commission Organization

- One half-time Executive Director - in position since 2000
- Volunteer Commission Members
 - Three Public Members
 - Three Bar Members
 - Three Judges





Operations

Annual Complaints

- 2012: 163 new complaints
- 2013: 107 new complaints
- 2014: 128 new complaints
- 2015: 108 new complaints
- 2016: 131 new complaints

Bi-monthly Commission meetings

- Assess merit of complaints
- Assign contracted investigators and possible prosecutor if merit is found

Commission holds hearings and makes finding of fact, conclusions of law and recommendations to the Supreme Court

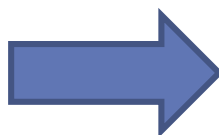


Commission on Judicial Fitness and Disability

The Commission exists to ensure that Oregon's judges uphold the ethical standards of the Code of Judicial Conduct and Oregon Constitution

Commission Role

- Investigates complaints
- Conducts hearing if required
- Prepares record
- Makes recommendation



Supreme Court Role

- Authority to discipline



2015-17 Biennium

Two Complaints required extensive investigations and formal hearings

1st Complaint – Commission recommendation of dismissal

- One day hearing
- No Brief
- Commission recommendation accepted by Supreme Court (March 2016)



2nd Complaint – Pending before Supreme Court

- Began August 2014
- Experienced attorney retained for investigation
- Trial attorney secured, 13 count Formal Complaint filed
- Nine day trial held in 2015 – extensive incurred expenses associated with:
 - Deposing of potential witnesses
 - Reporting and transcription
 - Trial preparation
 - Trial costs
 - Commission deliberation
 - Post-trial motions and briefs



2nd Complaint – Continued

While expenditures were extensive associated with complaint, the Commission worked diligently on cost containment

- Reduced attorney rates \$100 per hour vs normal hourly rate between \$300 – \$400 per hour
- Used State of Oregon facilities to minimize costs
- Utilized Judicial Marshals for security due to visibility of case, public interest and number of judges participating
- Commission members volunteer time associated with complaint process/hearings/deliberations



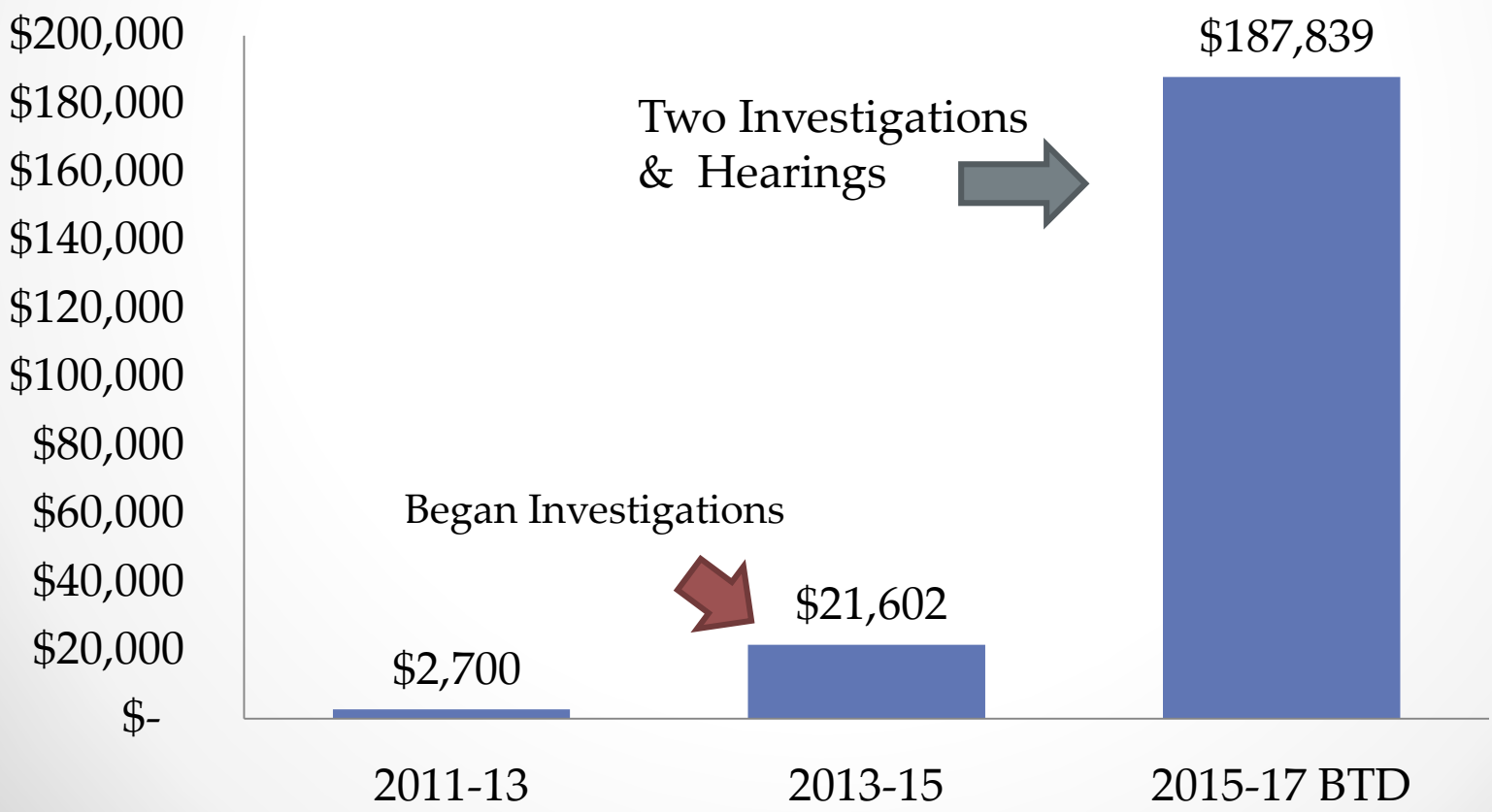
2015-17 Budget Impact

Extraordinary Expenses Appropriation covers costs associated with investigation and prosecution of cases

- 2015-17 initial budget = \$17,508
- 2016 Legislative Session added \$172,000
- Current BTD Spending = \$187,839

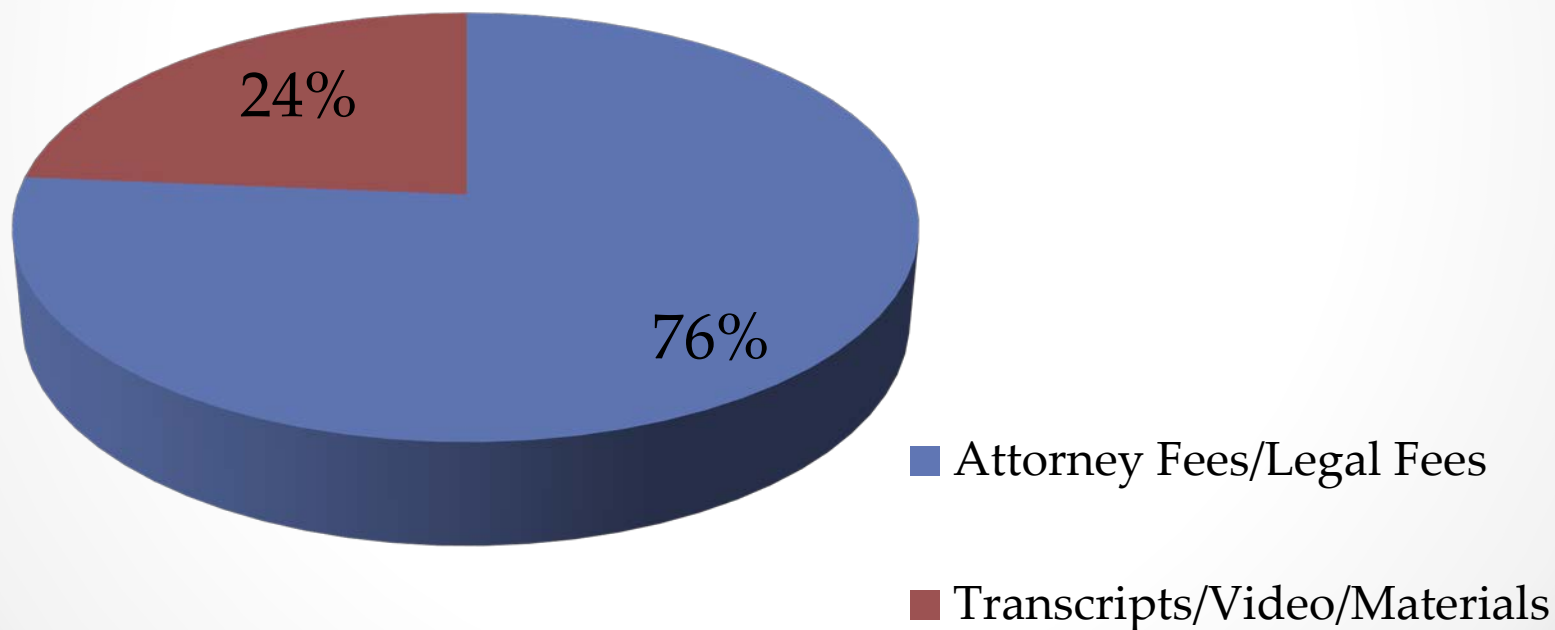


Extraordinary Expenses – Last Three Biennia





Extraordinary Expenses 2015-17





Budget Overview - CSL

Commission CSL budget consists of two appropriations

- Operations \$236,663 (includes \$124% in SGSC)
- Extraordinary Expenses (investigational/prosecutorial costs) \$18,226

Total CSL for 2017-19 \$254,889

37% decrease over 2015-17 LAB

2015 - 17 LAB = \$402,038



Budget Overview - ARB

- ARB \$294,824
- Policy Option Packages to address workload:
 - POP 101 – Executive Director to 0.625 FTE
 - Address workload issues impacting Commission
 - \$33,635
 - POP 102 – Professional Services Expenditures for Investigations
 - Provides for additional professional services budget for anticipated, normal biennial complaint handling
 - \$6,300



Reduction Planning

- 15% reduction equates to \$25,489
 - Would impact ability to investigate complaints – eliminates all extraordinary expense budget –or eliminate \$8,226
 - Commission would eliminate all travel (\$12,429) re-imbusement impacting ability for complaint review – would require members to “travel on their own dime” or conference call only
 - Eliminate any training budget for the Commission



Commission on Judicial Fitness and Disability



Questions