



# MEMORANDUM

Prepared for: Oregon State Senate  
Date: May 28, 2020  
By: Tyler Larson, Analyst  
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

## COMMISSION ON JUDICIAL FITNESS AND DISABILITY

The Governor has appointed the following individual to the Commission on Judicial Fitness and Disability subject to Senate confirmation.<sup>1</sup>

### Appointees

Roland Herrera of Keizer, New Appointment

### Term

July 1, 2020 – June 30, 2024

### Appointment/Confirmation Authority

[ORS 1.410 \(2019\)](#)

### Statement of Economic Interest<sup>2</sup>

Required.

### Statutory Requirements<sup>3</sup>

The commission consists of:<sup>4</sup>

- three judges appointed by the Supreme Court (CAMPBELL, POWERS, VOGT);
- three persons appointed by the Board of Governors of the Oregon State Bar from among persons admitted to practice law in this state (KEBLAR, PARKER, WALLACE); and
- three persons appointed by the Governor and subject to confirmation by the Senate who are not otherwise qualified for appointment (GOODFRIEND, **HERRERA**, KENNEY).

Members serve four-year terms and must maintain their qualifications for appointment. The commission must select one of its members as chairperson, and another as vice chairperson, for such terms and functions as the commission determines.<sup>5</sup> A majority of the commission constitutes a quorum for the transaction of business. Every recommendation to the Supreme

<sup>1</sup> See [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2019\)](#).

<sup>2</sup> See [ORS 244.050 \(2019\)](#).

<sup>3</sup> See [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

<sup>4</sup> [ORS 1.410 \(2019\)](#).

<sup>5</sup> [ORS 1.480 \(2019\)](#).

Court on matters related to the removal of a judge must be concurred in by a majority of the commission members.

## **Duties and Authority**

The commission reviews complaints about Oregon state judges and justices of the peace, investigates when alleged conduct might violate the state's Code of Judicial Conduct or Section 8, Article VII (amended) of the Constitution of the State of Oregon, and investigates complaints referred by the Chief Justice that a judge has a disability which significantly interferes with the judge's job performance.<sup>6</sup>

The commission must:<sup>7</sup>

- receive and investigate complaints concerning the conduct of a judge and make recommendations to the Supreme Court for censure, suspension, or removal from office; and
- receive from the Chief Justice of the Supreme Court and investigate complaints concerning a disability that significantly interferes with the capacity of a judge to perform judicial duties.

The commission may:<sup>8</sup>

- appoint such subordinates and employees as the commission considers necessary to carry out the duties and powers vested in the commission;
- request the assistance of and compensate physicians, expert witnesses, and special counsel;
- by its chairperson or vice chairperson, take and preserve testimony and administer oaths to witnesses on any matter within its jurisdiction;
- upon completion of an investigation of judicial conduct, hold a hearing, request the Supreme Court to appoint qualified persons to hold a hearing, allow the judge to execute a consent to censure, suspension, or removal, or refer the complaint to the Chief Justice of the Supreme Court for appropriate proceedings;
- upon completion of an investigation of judicial disability, hold a hearing, request the Supreme Court to appoint qualified persons to hold a hearing, direct a subject judge to submit to physical examination or mental evaluation, enter into a disposition of the matter with a subject judge, or recommend to the Supreme Court that the judge be suspended; and
- apply to a circuit court to compel a person to appear, produce evidence, or answer any question pertinent to the subject under inquiry.

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<sup>6</sup> Oregon Judicial Department, *Commission on Judicial Fitness and Disability*, <https://www.courts.oregon.gov/programs/cjfd/Pages/default.aspx> (last visited May 21, 2020).

<sup>7</sup> ORS 1.420 to 1.475 (2019).

<sup>8</sup> ORS 1.415 to 1.475 (2019).

## Executive Appointments Board Roster

### Judicial Fitness and Disability, Commission on

Agency: None  
Authorization: ORS 1.410  
Members: Min: 9 Max: 9  
Term Length: 4 years Limit: None  
Senate confirmation required? Yes

**Policy Area:** Legal

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### Current Appointments:

#### Member Name and Address (Alphabetical)

Monte S Campbell Appointed by Supreme Court Term(s): 03-01-2017 - 03-01-2021	Position Number: 9
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Karyn L Goodfriend Appointed by the Governor; Public Member Term(s): 09-23-2019 - 12-18-2020	Position Number: 2
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Roland A Herrera Appointed by the Governor, Public Member Term(s): 07-01-2020 - 06-30-2024	Position Number: 1
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Melanie Kebler OR State Bar Term(s): 02-18-2019 - 02-17-2023	Position Number: 5
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Wilson Kenney, PhD Appointed by the Governor; Public Member Term(s): 09-23-2019 - 09-22-2023	Position Number: 3
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Judith A Parker OR State Bar Term(s): 07-24-2019 - 07-25-2023 07-24-2015 - 07-23-2019	Position Number: 6
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Steven Powers Appointed by Supreme Court Term(s): 02-11-2018 - 02-10-2022	Position Number: 7
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Debra K Vogt Supreme Court Appointment Term(s): 02-01-2017 - 02-01-2021 02-01-2013 - 01-31-2017	Position Number: 8
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Jeffrey Wallace OR State Bar Term(s): 01-29-2016 - 01-28-2020	Position Number: 4
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