



COMMISSION ON JUDICIAL FITNESS & DISABILITY

PRESENTATION TO THE JOINT COMMITTEE ON WAYS & MEANS –
SUBCOMMITTEE ON PUBLIC SAFETY

FEBRUARY 10, 2021



WHAT IS THE COMMISSION ON JUDICIAL FITNESS & DISABILITY?

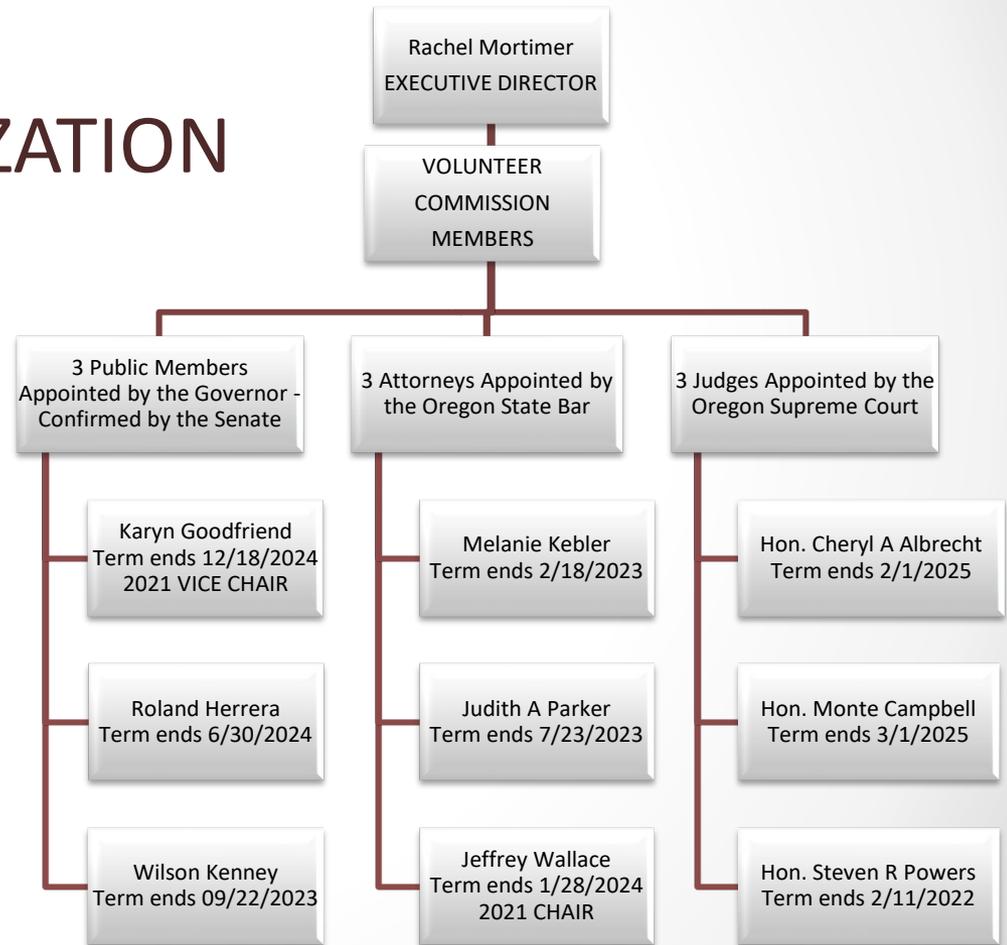
The Commission is an independent agency within the Judicial Branch tasked with investigating complaints made against Oregon Judges and making recommendations regarding judicial discipline to the Oregon Supreme Court.

ORS 1.410 through 1.480 governs the Commission's membership and work.



COMMISSION ORGANIZATION

- Independent Agency in Judicial Branch
- One half-time Executive Director
- 9 Volunteer Commission Members
 - Three Public Members
 - Three Bar Members
 - Three Judges





JURISDICTION

- 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 (~100)
- No jurisdiction over municipal court judges, arbitrators or administrative law judges



OPERATIONS

ANNUAL COMPLAINTS

2012: 163 new complaints

2013: 107 new complaints

2014: 128 new complaints

2015: 108 new complaints

2016: 131 new complaints

2017: 118 new complaints

2018: 147 new complaints

2019: 183 new complaints

2020: 143 new complaints

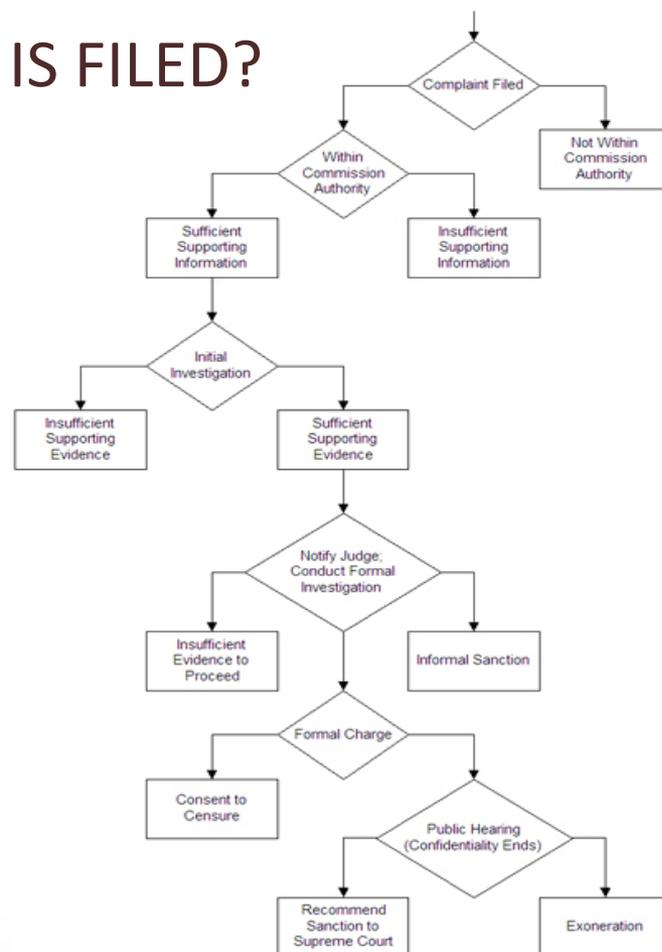
BI-MONTHLY COMMISSION MEETINGS

- Assess merit of complaints
- Assign contracted investigators and possible prosecutor
- Commission holds hearings and makes finding of fact, conclusions of law and recommendations to the Supreme Court



WHAT HAPPENS WHEN A COMPLAINT IS FILED?

- Complaint is received, reviewed, summarized. Obtain court records/audio for review.
- Commission reviews each complaint.
 - If the complaint indicates violation of the Code of Judicial Conduct or if more information is needed, conducts an initial investigation. This may include:
 - Query the judge
 - Query the complainant
 - Obtain more records
 - Hire investigator for interviews and more information gathering
- If the investigation substantiates a violation, the Commission may proceed with formal charges and prosecution or issue an informal disposition letter to the judge.
- Formal hearing, recommendations to Supreme Court





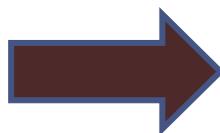
Commission on Judicial Fitness and Disability



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



APPROVED KEY PERFORMANCE MEASURES (KPMS)

1. Percent of Commission recommendations forwarded to the Supreme Court that are upheld by the Supreme Court.
2. Percent of judges prosecuted by the Commission who are not exonerated.
3. Percent of stipulated agreements unchanged and approved by the Supreme Court.
4. Percent of prosecutions completed within two years of first review through date of final Commission action before the Supreme Court.
5. Percent of total best practices met by the Board. - 100%

No cases were formally prosecuted in this review period.

We have worked over the last year to bring our best practices up to 100%



BUDGET FOR THE COMMISSION COMES FROM THE GENERAL FUND AND IS SPLIT INTO TWO COMPONENTS:

OPERATIONS

- Personal Services for half - time Director position
- Services and Supplies

EXTRAORDINARY EXPENSES

- Costs to investigate and, when required, prosecute apparent violation of *Code of Judicial Conduct*.
- This amount is unpredictable and driven by the requirements of individual cases.



EXTRAORDINARY EXPENSES FOR THE COMMISSION ARE SEVERELY IMPACTED BY INVESTIGATIONS AND PROSECUTIONS

2017-19 Biennium – Operations	\$ 222,346
Extraordinary Expenses	\$ 20,713
2015-17 Biennium – Operations	\$ 216,134
Extraordinary Expenses	\$ 218,564
2013-15 Biennium – Operations	\$ 184,805
Extraordinary Expenses	\$ 20,839
2011-13 Biennium – Operations	\$ 161,726
Extraordinary Expenses	\$ 3,000



BUDGET OVERVIEW - CURRENT SERVICE LEVEL AGENCY REQUEST BUDGET

Total CSL/ARB for 2021-23	<u>\$306,164</u>
Operations	\$286,091
Extraordinary Expenses	\$20,073

OPERATIONS	<u>\$286,091</u>
Personal Services	\$167,468
Services & Supplies	\$118,623
<i>SGSC \$57,857 (increase of \$37,632 from 2019-21, now 19% of budget)</i>	



REDUCTION OPTIONS

The Commission identified and submitted the following options:

Eliminate Extraordinary Fund - \$20,073

- This funds investigations and prosecutions.
- Eliminating this fund would significantly delay investigations as it would require the Commission to seek Emergency Board funding to initiate any investigative work.

Eliminate Travel - \$9,821

- This commission has geographic diversity and, in non-pandemic times, holds 6 in-person meetings per year. Providing for travel to the meetings supports continued engagement by all of our members.



THANK YOU

Questions?