

# Memorandum

PREPARED FOR: Oregon State Senate  
DATE: May 9, 2023  
BY: Leslie Porter, Analyst  
RE: Legislative Review of Executive Appointments



## COMMISSION ON JUDICIAL FITNESS AND DISABILITY

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

### New Appointees

Kevin Kebede-Berhana of Happy Valley  
Anton Leof of Portland

### Term(s)

Kebede-Berhana: May 22, 2023 – May 21, 2027  
Leof: September 23, 2023 – September 22, 2027

### Appointment/Confirmation Authority

[ORS 1.410 \(2021\)](#)

### 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 (ALBRECHT, CAMPBELL, POWERS);
- three persons appointed by the Board of Governors of the Oregon State Bar from among persons admitted to practice law in this state (KEBLER, PARKER, WALLACE); and
- three persons appointed by the Governor and subject to confirmation by the Senate who are not otherwise qualified for appointment (**KEBEDE-BARHANA**, GOODFRIEND, **LEOF**).

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

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<sup>1</sup> [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2021\)](#) and [171.565 \(2021\)](#)

<sup>2</sup> [ORS 244.050 \(2021\)](#).

<sup>3</sup> [ORS 182.100 \(2021\)](#) for affirmative action policy and [ORS 236.115 \(2021\)](#) for diversity criteria.

<sup>4</sup> [ORS 1.410 \(2021\)](#).

<sup>5</sup> [ORS 1.480 \(2021\)](#).

the commission constitutes a quorum for the transaction of business. Every recommendation to the Supreme 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

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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 April 29, 2023).

<sup>7</sup> [ORS 1.420 to 1.475 \(2021\)](#).

<sup>8</sup> [ORS 1.415 to 1.475 \(2021\)](#).



- apply to a circuit court to compel a person to appear, produce evidence, or answer any question pertinent to the subject under inquiry.



## Judicial Fitness and Disability, Commission on

Agency: **None**

Authorization: **ORS 1.410**

Min Members: **9** Max Members: **9**

Term Length: **4** Term Limit: **None**

Senate Confirmation Required?: **Yes**

Policy Area: **Legal**

Board Admin: **Rachel Mortimer**

Address:

**PO Box 90398**

**Portland, OR 97290**

**503-626-6776**

**judicial.fitness@oregon.gov**

## Current Appointments

**Kebede-Berhanu, Kevin**

Term(s): **5/22/2023 - 5/21/2027**

Public Member

Position Number: **1**

**Ms Goodfriend, Karyn L**

Term(s): **12/19/2020 - 12/18/2024**

Appointed by the Governor; Public Member

**9/23/2019 - 12/18/2020**

Position Number: **2**

**Kenney, Jeremy "Wilson" W PhD**

Term(s): **9/23/2019 - 9/22/2023**

Appointed by the Governor; Public Member

Position Number: **3**

**Leof, Anton**

Term(s): **9/23/2023 - 9/22/2027**

Public Member

Position Number: **3**

**Mr Wallace, Jeffrey**

Term(s): **1/29/2020 - 1/28/2024**

OR State Bar

**1/29/2016 - 1/28/2020**

Position Number: **4**

**Kebler, Melanie**

Term(s): **2/18/2019 - 2/17/2023**

OR State Bar

Position Number: **5**

**Ms Parker, Judith A**

Term(s): **7/24/2019 - 7/25/2023**

OR State Bar

**7/24/2015 - 7/23/2019**

Position Number: **6**

**Judge Powers, Steven "Steven" R**

Term(s): **2/11/2022 - 2/11/2026**

Judge Appointed by Supreme Court

**2/11/2018 - 2/10/2022**

Position Number: **7**

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**Judge Albrecht, Cheryl**

Term(s):

**2/1/2021 - 2/1/2025**

Judge Appointed by Supreme Court

Position Number: **8**

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**Judge Campbell, Monte S**

Term(s):

**3/1/2021 - 3/1/2025**

Judge Appointed by Oregon Supreme Court

**3/1/2017 - 3/1/2021**Position Number: **9**

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**Vacant Positions**

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