



# Commission on Judicial Fitness and Disability

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October 31, 2025

## **(SENT BY EMAIL)**

The Honorable Senator Kate Lieber, Co-Chair  
The Honorable Representative Tawna Sanchez, Co-Chair  
Interim Joint Committee on Ways and Means  
900 Court Street NE, H-178  
Salem, OR 97301

## **RE: 2025-27 Agency Reduction Options**

Dear Senator Lieber and Representative Sanchez:

### **Nature of the Report**

Due to an anticipated need for rebalancing the state budget for the 2025-27 biennium, the Commission on Judicial Fitness and Disability (CJFD) is providing this report on agency reduction options.

### **Agency Statutory Mission**

The mission of the Commission is to ensure the quality and effectiveness of the state judicial system per the statutory authority provided by ORS 1.410 to ORS 1.480.

The Commission on Judicial Fitness and Disability investigates and acts upon complaints of judicial misconduct and disability. The standards for finding judicial misconduct are contained in the Code of Judicial Conduct and Oregon Constitution, Article VII (amended), section 8. The Commission has jurisdiction over judicial candidates and approximately 400 judges including the state's justices of the peace, circuit court judges, appellate court judges, tax judges, pro-tem judges and Plan B senior judges, who sit occasionally as needed.

The Commission relies on its volunteer members: three attorneys appointed by the Oregon State Bar, three judges appointed by the Oregon Supreme Court, and three public members appointed by the Governor and confirmed

by the Senate. These volunteers, who reside in all parts of the state, meet a minimum of six times per year to review new and pending complaints. The Commission is supported by one full-time employee, the Executive Director, who is the only staff for the Commission. The Executive Director is required to be an attorney in good standing with the Oregon Bar.

From 1990 through 2018, annual complaint numbers fluctuated between a low of 104 and a high of 163. After implementing an online complaint form, 2019 increased to 183 complaints. This number dipped in 2020 when court functions were limited due to covid. Every year since, complaints have increased, with 240 in 2021, 242 in 2022, 275 in 2023 and most recently, up to 367 in 2024. As of October 31, the Commission has opened 321 new complaints in 2025, which indicates another substantial increase over the year prior. These increases reflect national trends.

## **Reduction Options**

The Commission has one statutory mandate and one program to meet it. The Commission investigates and prosecutes, when indicated, ethical complaints against state judges and justices of the peace. Its entire budget derives from the state's General Fund. The Commission operates with one employee, its Executive Director, and receives assistance *gratis* from the Oregon Judicial Department in handling budgeting, payroll, payment of approved expenses, and updating its website.

The Commission's budget is funded entirely from the General Fund and is made up of two components: operations expenses and extraordinary expenses. The majority of the budget is operations, most of which is the salary and benefits of the sole employee. Other operations expenses include payments to other state agencies and office rent and supplies. Extraordinary expenses include any funds spent on investigation and prosecution of cases, such as hiring attorneys, investigators and court reporters and obtaining transcripts. This amount can be unpredictable and is driven by the requirements of individual cases.

### ***Criteria & Process Used to Select Reduction Options***

In reviewing reduction options, the Commission focused on the main criteria of continuing to function in its sole program area. Preservation of the one position allotted to the Commission was vital. The Commission sought reductions that

would not impede the continued operation of the Commission's day-to-day work or ongoing investigations.

The Commission consulted with the Oregon Judicial Department, which provides budgeting assistance to the Commission as another judicial branch agency, on how best to achieve reductions without major programmatic impact. The Commission proposed reductions consistent with judicial and executive branch agencies.

### ***Proposed Reduction Options***

The Commission has identified the options for the requisite 5% reduction.

The first 2.5% reduction option is \$16,191 in General Fund unspent balances from the 2023-25 biennium. Statute requires legislative and judicial branch agencies to retain any remaining General Fund balances, typically referred to as reversions, from the previous biennium for the payment of expenses for the next biennium. To mitigate the impact of General Fund reductions on core services and positions, the Judicial Branch has prioritized utilizing these anticipated reversions from the 2023-25 biennium to help achieve the reduction targets.

The second 2.5% reduction option includes the remaining \$13,057 in General Fund unspent balances from the 2023-25 biennium. In order to reach the full amount needed, an additional \$3,134 would come from the amount budgeted for extraordinary expenses. These are the funds used for investigations and prosecutions.

In the 2023-25 biennium, reversion funds were applied directly to extraordinary expenses due to the number and complexity of ongoing investigations. The Commission has no control over the number of complaints made, required investigations, or the number of prosecutions initiated. If there is an apparent violation of the Code of Judicial Conduct, the Commission must thoroughly investigate and, if appropriate, prosecute. Prosecution costs are, thus, unpredictable and, if they arise, could cause the Commission to go over budget very quickly, absent an appropriate allocation of funds.

Historically, the Commission does not use the entire appropriation for extraordinary expenses. It has generally made sense for budget purposes for this appropriation to be set at a default lower amount, with the expectation that the Commission will return to request additional funds in the years when investigations and prosecutions require additional spending.

Historical expenditures for this appropriation:

|         |           |
|---------|-----------|
| 2015-17 | \$218,563 |
| 2017-19 | \$20,713  |
| 2019-21 | \$13,076  |
| 2021-23 | \$14,934  |

For the 2023-25 biennium, after assigning reversions and requesting an additional appropriation, the Commission used \$109,904 in extraordinary expenses. The LAB for extraordinary expenses for the 2025-27 biennium is \$23,324, with \$17,500 remaining as of October 31, 2024. With multiple current open investigations, even with one attorney working pro bono, the Commission may well need to request extraordinary expenses over the LAB amount during the 2025-27 biennium, especially if unable to apply reversions or use the full LAB amount assigned to extraordinary expenses.

**Legislation Affected**

None

Thank you for your time and attention to this matter.

**Very Truly Yours,**

**COMMISSION ON JUDICIAL FITNESS  
AND DISABILITY**

*Rachel L Mortimer*

**Rachel L Mortimer  
Executive Director**

|                                                                    |
|--------------------------------------------------------------------|
| Agency Name Commission on Judicial Fitness and Disability - 17500) |
|--------------------------------------------------------------------|

|                  |  |
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| 2025-27 Biennium |  |
|------------------|--|

|             |         |   |   |   |   |   |         |
|-------------|---------|---|---|---|---|---|---------|
| 2025-27 LAB | 647,635 | - | - | - | - | - | 647,635 |
|-------------|---------|---|---|---|---|---|---------|

|                                                              |  |  |  |  |  |  |  |  |  |
|--------------------------------------------------------------|--|--|--|--|--|--|--|--|--|
| Detail of Reductions to 2025-27 Legislatively Adopted Budget |  |  |  |  |  |  |  |  |  |
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|----------------------------------------------------|--------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----|----|-------|----|-------|--------------------|------|-----|-----------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority<br>(ranked most<br>to least<br>preferred) | Agency | SCR or<br>Activity<br>Initials | Program Unit/Activity Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | GF       | LF | OF | NL-OF | FF | NL-FF | TOTAL FUNDS        | Pos. | FTE | Gov.<br>Reduction<br>Target<br>Yes / No | One-Time<br>Yes / No | Describe the reduction and associated impact on services<br>and outcomes. Please identify the source of Other Funds<br>reductions.                     |
|                                                    |        |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |    |    |       |    |       |                    |      |     |                                         |                      |                                                                                                                                                        |
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|                                                    |        |                                | General Fund unspent balances from 2023-25 biennium - Statute requires legislative and judicial branch agencies to retain any remaining General Fund balances, typically referred to as reversions, from the previous biennium for the payment of expenses for the next biennium. To mitigate the impact of General Fund reductions on core services and positions, the Judicial Branch has prioritized utilizing these anticipated reversions from the 2023-25 biennium to help achieve the reduction targets. | (16,191) |    |    |       |    |       | \$ (16,191)        |      |     |                                         |                      | First 2.5% reduction of General Funds                                                                                                                  |
|                                                    |        |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |    |    |       |    |       | \$ -               |      |     |                                         |                      |                                                                                                                                                        |
|                                                    |        |                                | General Fund unspent balances from 2023-25 biennium - Statute requires legislative and judicial branch agencies to retain any remaining General Fund balances, typically referred to as reversions, from the previous biennium for the payment of expenses for the next biennium. To mitigate the impact of General Fund reductions on core services and positions, the Judicial Branch has prioritized utilizing these anticipated reversions from the 2023-25 biennium to help achieve the reduction targets. | (13,057) |    |    |       |    |       | \$ (13,057)        |      |     |                                         |                      | Remaining reversion funds from 2023-25 biennium                                                                                                        |
|                                                    |        | 002                            | Extraordinary Expenses - Pays for investigations and if required prosecution costs for cases of Judicial misconduct or disability                                                                                                                                                                                                                                                                                                                                                                               | (3,134)  |    |    |       |    |       | \$ -<br>\$ (3,134) |      |     |                                         |                      | This represents 13.4% of these funds - if cases require investigations - CJFD may need to come back to legislature for funding or delay investigations |
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|             |        |   |   |  |
|-------------|--------|---|---|--|
| Target (5%) | 32,382 | - | - |  |
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|------------|-----|---|---|
| Difference | (0) | - | - |
|------------|-----|---|---|