

Commission on Judicial Fitness and Disability

| | 2017-19 Actual | 2019-21 Legislatively Adopted | 2019-21 Legislatively Approved * | 2021-23 Current Service Level | 2021-23 Governor's Budget |
|--------------------|-------------------|-------------------------------------|--|-------------------------------------|------------------------------|
| General Fund | 243,060 | 274,890 | 290,001 | 306,164 | 289,534 |
| Total Funds | 243,060 | 274,890 | 290,001 | 306,164 | 289,534 |
| Positions | 1 | 1 | 1 | 1 | 1 |
| FTE | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 |

* Includes Emergency Board and administrative actions through January 2021

Program Description

The Commission on Judicial Fitness and Disability investigates and acts upon complaints of judicial misconduct or disability. The basis for a finding of misconduct is a violation of the Oregon Code of Judicial Conduct. The nine-member Commission is comprised of three judges, three lawyers, and three members of the public. The executive director of the Commission is also an attorney in private practice. The Commission does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges.

The Commission's workload is variable, and depends upon the number of complaints it receives, and upon the number and complexity of any investigations and prosecutions that it initiates in response to those complaints. The Commission reviews approximately 100 to 185 written complaints each year. A significant number of the complaints involve the legal determination of a judge, and after initial review by the Commission, are dismissed because they fall outside the Commission's statutory authority to investigate judicial misconduct. Those complaints that are within its statutory authority are initially investigated. If there is sufficient evidence in support of a complaint, a formal investigation is conducted by outside counsel hired by the Commission.

The Commission does not have budgeted resources for budget, accounting, and website services. These activities are undertaken for the Commission by the Oregon Judicial Department (OJD). OJD assists the Commission in the technical development of its budget, Emergency Board actions, and related accounting transactions. The services provided by OJD are done without financial remuneration.

CSL Summary and Issues

The 2021-23 current service level budget is \$306,164 General Fund. The budget is \$16,163 (or 5.6%) more than the 2019-21 legislatively approved budget of \$290,001. The budget includes one position (0.50 FTE). The 2021-23 budget is a current service level budget and includes no policy package requests. The Commission budgets for normal and extraordinary expenditures and the extraordinary expense portion of the budget totals an estimated \$20,073 General Fund. A notable change is that beginning with the 2021-23 biennium, the Commission's single position follows the standard state budgeting process for compensation plan increases whereas previously this was done on an ad hoc basis by the Commission.

Policy Issues

There are currently no policy issues identified for the Commission. The pandemic has had a minimal impact to Commission operations and whose Commission meetings are being conducted remotely using electronically-provided meeting materials.

Other Significant Issues and Background

The Commission has no policy package request. Like the Legislative Branch, Judicial Branch agencies, are allowed to keep any unspent General Fund (i.e., reversions). The Governor's budget funds the Commission at \$289,534 General Fund, which is \$467, or 0.2%, less than the 2019-21 legislatively approved budget. The Commission's ten percent reduction options include eliminating extraordinary funding and reducing travel.

Key Performance Measures

A copy of the CJF&D Annual Performance Progress Report can be found on the LFO website:

[https://www.oregonlegislature.gov/lfo/APPR/APPR_CJFD_2020-09-24%20\(1\).pdf](https://www.oregonlegislature.gov/lfo/APPR/APPR_CJFD_2020-09-24%20(1).pdf)