

<b>Commission on Judicial Fitness and Disability</b>					
	<b>2019-21 Actual</b>	<b>2021-23 Legislatively Adopted</b>	<b>2021-23 Legislatively Approved *</b>	<b>2023-25 Current Service Level</b>	<b>2023-25 Governor's Budget</b>
General Fund	268,383	289,807	330,499	313,096	313,084
<b>Total Funds</b>	<b>268,383</b>	<b>289,807</b>	<b>330,499</b>	<b>313,096</b>	<b>313,084</b>
Positions	1	1	1	1	1
FTE	0.50	0.50	0.50	0.50	0.75
* Includes Emergency Board and administrative actions through December 2022.					

### 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 Commission's jurisdiction extends to approximately 400 judges, including: justices of the peace (32), circuit court judges (177), appellate court judges (20), Tax Court Judge (1), Tax Court Magistrate (3), temporary or pro-tem judges ( $\pm$  120), judicial referees ( $\pm$  39), and senior or "Plan B" semi-retired judges ( $\pm$  55). The Commission does not have jurisdiction over municipal court judges, arbitrators, administrative law judges, or federal judges.

The budget is organized into the following areas: routine operational costs and extraordinary costs. The routine operating budget pays for a half-time executive director, office rental and supplies, meeting accommodations, travel reimbursements, complaint reviews, and initial investigations. Formal investigations and prosecutions are classified as extraordinary expenses, since the Commission has no control over the number of valid complaints or their cost. Extraordinary expenses may include: private attorney fees for investigations and trial, court reporter services, meeting space rental, executive director and board member travel expenses for formal hearings, and miscellaneous expenses.

The Commission's budget is supported by General Fund. By statute, the Commission is allowed to retain any unspent General Fund carryforward (i.e., reversions). The 2021-23 carryforward has yet-to-be determined. The 2019-21 carryforward amounts were \$12,001 for routine operations and \$9,616 for extraordinary expenses. From the 2011-13 to the 2017-19 biennium, unspent General Fund carryforward amounts have average \$8,852 per biennium or \$4,101 for routine operations and \$4,751 for extraordinary expenses.

### CSL Summary

The 2023-25 current service level budget is \$313,096 General Fund. The budget is \$17,403 (or 5.3%) less than the 2021-23 legislatively approved budget of \$330,499. The budget includes one position (0.50 FTE). The portion of the Commission budget attributable to extraordinary expenses totals \$21,839 (or 7%). The budget is comprised of \$211,238 (or 67%) for personal services and \$101,858 (or 33%) for services and supplies. The base budget phased-out a one-time expense of \$12,001 for salary and wages associated with unspent General Fund carryforward for the 2019-21 biennium and \$15,000 General Fund for a one-time underfunding of Other Payroll Expenses (flexible

benefits). The budget also phases out \$9,616 in services and supplies associated with unspent General Fund carryforward for the 2019-21 biennium. An adjustment of \$25,437 reduced State Government Services Charges to \$16,102.

Policy Issues

There are currently no policy issues identified for the Commission.

Governor’s Budget Summary

The 2023-25 Governor’s budget totals \$313,084 General Fund. The budget includes one position (0.75 FTE). The budget is funded at the current service level budget and includes no additional funding for policy packages. The Governor’s budget added 0.25 FTE to the Commission’s single position, however, this increase was not accompanied with associated funding (\$90,524 General Fund). The agency request budget, however, included the following two policy package requests:

- Package 100 - Executive Director Full-Time Equivalent Increase (\$90,524 General Fund and 0.25 FTE)(Agency Priority #1) - Requests an increase the executive director from 0.50 to 0.75 FTE.
- Package 102 - Case Management System (\$20,000 General Fund (one-time)(Agency Priority #2) - Request a cloud-based case or matter management system for the tracking, reporting, and storage of complaints, investigations, prosecutions.

Other Significant Issues and Background

The Commission’s workload is variable and depends upon the number of complaints received and upon the number and complexity of any investigations and prosecutions initiated in response to complaints. 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. Complaints that are within the Commission’s 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 following table provides a ten-year workload summary for the Commission.

2012-2021 Calendar Year Averages (10-Years)			
Initial Complaints (agency staff)	Commission Investigations (agency staff)	Formal Investigations (outside counsel)	Prosecutions (outside counsel)
145.3	11.5 (7.9%)	1.2 (0.8%)	0.6 (0.4%)

The Legislature historically has provided the Commission with an approved budget for extraordinary expense with the understanding that the Commission may return to the Emergency Board or the Legislature if extraordinary expenses exceed the available budget. In the 2015-17 biennium the Legislature added \$224,752 General Fund for extraordinary expenses related to two cases. Before that, the Commission’s prior four Emergency Board appearances for extraordinary expenses occurred in 1995, 1996, 1998, and 2006 with allocations of \$20,000, \$50,000,

\$43,000, and \$61,944, respectively. More recently, the Commission has managed with an extraordinary budget of approximately \$21,000 per biennium.

#### Key Performance Measures

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

[https://www.oregonlegislature.gov/lfo/APPR/APPRProposed\\_CJFD\\_2022-09-28.pdf](https://www.oregonlegislature.gov/lfo/APPR/APPRProposed_CJFD_2022-09-28.pdf)