

2025-27 Budget Review

Commission on Judicial Fitness and Disability

	2021-23 Actual	2023-25 Legislatively Approved *	2025-27 Current Service Level	2025-27 Governor's Budget
General Fund	299,098	426,660	393,639	392,378
Total Funds	299,098	426,660	393,639	392,378
Positions	1	1	1	1
FTE	0.50	0.50	0.50	1.00

* Includes legislative and administrative actions through December 2024.

PROGRAM DESCRIPTION

The Commission on Judicial Fitness and Disability (CJFD) 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 452 judges, including: justices of the peace (32), circuit court judges (182), appellate court judges (20), a Tax Court Judge (1), Tax Court Magistrates (3), temporary or pro-tem judges (± 120), judicial referees (± 39), and senior or “Plan B” semi-retired judges (± 55). The Commission does not have jurisdiction over municipal court judges, arbitrators, administrative law judges, or federal judges. As a constitutionally separate branch of government, the Commission operates independent of the Governor and the executive branch of government.

CJFD’s 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. CJFD’s budget is supported by General Fund and by statute, is allowed to retain any General Fund that remains unspent at the end of a biennium (i.e., reversions).

BUDGET ENVIRONMENT

CJFD’s workload is variable and depends upon the number of complaints received and 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. There has been an increasing trend in initial complaint

filings as well as the number of Commission investigations being initiated, however, there has been no resulting increase in the number of prosecutions. These trends are increasing the amount of staff time needed to review initial complaints and undertake investigations. The number of outside investigations, formal charges, and stipulated agreements have experienced a marginal increase.

CURRENT SERVICE LEVEL

The 2025-27 current service level budget totals \$393,639 General Fund and one position (0.50 FTE). The CSL is \$33,021, or 7.7%, less than the 2023-25 legislatively approved budget of \$429,660 General Fund. Funding in the amount of \$23,324 is included for extraordinary expenses.

General Fund was phased-out for a one-time expense of \$20,000 for a case management system and \$31,401 in services and supplies associated with unspent General Fund carried forward from the 2021-23 biennium. The CSL budget includes inflation adjustment of \$14,854, of which \$10,054 was for a standard increase, \$131 was for an above standard increase, and \$4,669 for an exceptional increase. The exceptional inflation is for the Department of Administrative Services to begin to provide information technology support to the Commission.

GOVERNOR'S BUDGET SUMMARY

The 2025-27 Governor's budget totals \$392,378 General Fund and one position (1.00 FTE) and is \$34,282, or 8%, less than the 2023-25 legislatively approved budget. However, the Governor's budget needs to be qualified due to the following statement:

"The Governor makes no recommendation for this budget, as it is a separate branch of government. For statutory purposes, the Governor included \$392,378 General Fund in her budget as a placeholder."

In other words, the Governor's budget funded the Commission's budget at the 2025-27 current service level, less standard adjustments. While consistent with the actions of prior Governors, this distorts the budgetary view of the Commission's budget and potentially the resourcing necessary to support the statewide budget.

The 2025-27 Commission requested budget totals \$619,296 General Fund and one position (1.00 FTE). Funding in the amount of \$23,324 is included for extraordinary expenses. The requested budget is \$192,636, or 45.1%, more than the 2023-25 legislatively approved budget of \$429,660 General Fund. The Commission requested one policy option package totaling \$225,657 General Fund to increase the Executive Director position from part-time to full-time (0.50 FTE). The Legislative Fiscal Office notes that the cost of the package may be understated by an estimated \$8,712 due to a technical budgeting issue that used the average flexible benefit rate (\$1,767/month) rather than the incumbent's actual rate (est. \$2,130/month).

OTHER SIGNIFICANT ISSUES

In September 2024, the Emergency Board allocated \$40,000 General Fund, on a one-time basis, to address a caseload backlog. The Commission may require further supplemental funding for

extraordinary costs (investigations) for the 2023-25 biennium with the current estimate being \$50,000 General Fund.

KEY PERFORMANCE MEASURES

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

[\[https://www.oregonlegislature.gov/lfo/APPR/APPR_CJFD_2024-09-27.pdf\]](https://www.oregonlegislature.gov/lfo/APPR/APPR_CJFD_2024-09-27.pdf)

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