

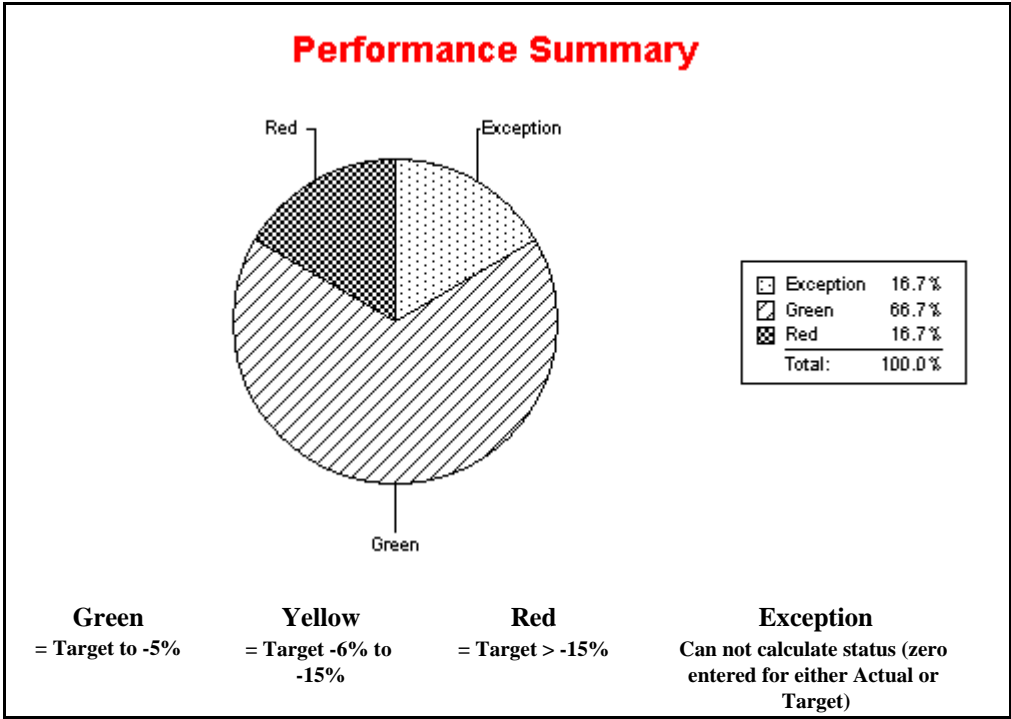
**JUDICIAL FITNESS and DISABILITY, COMMISSION on**  
**Annual Performance Progress Report (APPR) for Fiscal Year (2007-2008)**  
**Proposed KPM's for Biennium (2009-2011)**

Original Submission Date: 2008

2007-2008 KPM #	2007-2008 Approved Key Performance Measures (KPMs)
	Percent of judges who, after being prosecuted by the Commission, are exonerated.
	Percent of prosecutions completed within two years of first review through date of final Commission action before the Supreme Court.
	Percent of Commission recommendations to the Supreme Court upheld versus the total number of recommendations forwarded to the Supreme Court.
	Percent of stipulated agreements unchanged and approved by the Supreme Court.
	Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
	Percent of total best practices met by the Board.

<b>New</b> <b>Delete</b>	
	<b>Title:</b>  <b>Rationale:</b>

<b>JUDICIAL FITNESS and DISABILITY, COMMISSION on</b>		<b>I. EXECUTIVE SUMMARY</b>
<b>Agency Mission:</b> To ensure the quality of and effectiveness of the State Judicial System.		
<b>Contact:</b> Susan D. Isaacs, Executive Director		<b>Contact Phone:</b> 503-626-6776
<b>Alternate:</b>		<b>Alternate Phone:</b>



**1. SCOPE OF REPORT**

The Commission on Judicial Fitness and Disability is committed to serving Oregon residents through our mission which is to ensure the quality and effectiveness of the state judicial system through the enforcement of the Code of Judicial Conduct.

This report primarily addresses the degree to which Commission findings are upheld through appeals.

**2. THE OREGON CONTEXT**

The Commission derives its authority from ORS 1.410 et seq. It reviews and investigates complaints about Oregon's justices of the peace, circuit court judges and appellate court judges only. Municipal court judges, administrative law judges and arbitrators are outside its jurisdiction. The Commission can only make recommendations to the Supreme Court regarding Code violations and sanctions; it cannot discipline judges itself.

### **3. PERFORMANCE SUMMARY**

The performance measures are designed to track the actions of the Commission to ensure that they are fulfilling their mission and presenting complete and accurate information to the Supreme Court, which is the ultimate decision maker on judicial ethics.

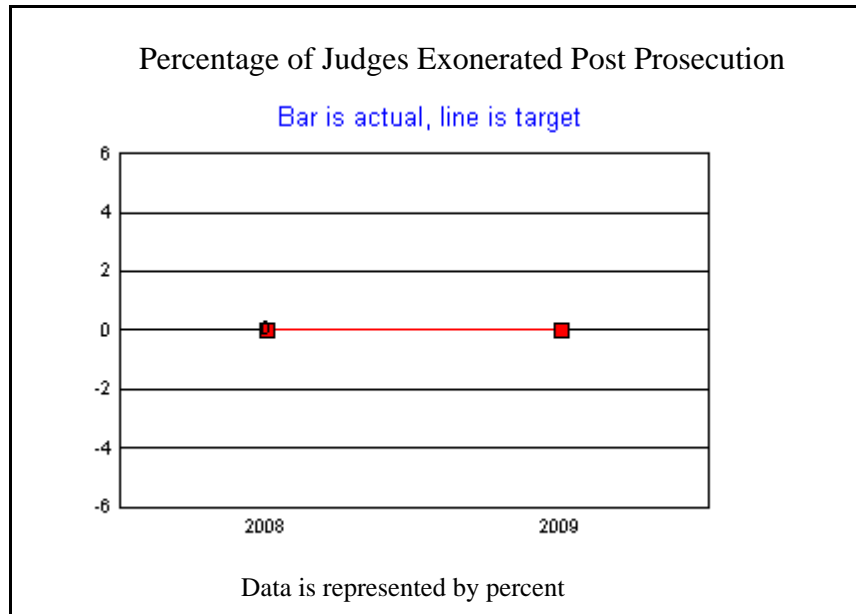
### **4. CHALLENGES**

The Commission is staffed with only a half-time Executive Director. Its members are volunteers from around the state who are appointed by the Chief Justice of the Supreme Court, Board of Governors of the Oregon State Bar, and Governor. In addition to its reliance on volunteers and being understaffed, the Commission subsists on a bare bones budget in which there is very little leeway.

### **5. RESOURCES AND EFFICIENCY**

The Commission is wholly funded from the general fund. Despite being understaffed and relying largely on its volunteers, the Commission manages to fulfill its mission fairly efficiently especially due to the use of email to facilitate communication

<b>KPM #</b>	Percent of judges who, after being prosecuted by the Commission, are exonerated.	2007
<b>Goal</b>	The goal is to ensure that the Commission’s findings of fact, conclusions and recommendations are consistent with the prior case law of the Oregon Supreme Court, which is the final decision maker.	
<b>Oregon Context</b>		
<b>Data Source</b>	Staff records. Oregon Supreme Court records	
<b>Owner</b>	Susan D. Isaacs, Executive Director	



**1. OUR STRATEGY**

The goal has been met fully. None of the judges prosecuted by the Commission was exonerated by the Supreme Court. That lends credibility to the Commission’s analytical functioning and establishes consistency with Supreme Court decisions.

**2. ABOUT THE TARGETS**

Prior case law sets the standards for discipline of judges. Thus, if the Commission's findings, conclusions and recommendations are adopted by or followed by the Supreme Court, the Commission is functioning appropriately.

**3. HOW WE ARE DOING**

This is a new objective established for the 2007-2009 biennium. The Commission has historically met this goal in any event.

**4. HOW WE COMPARE**

No comparison data is available.

**5. FACTORS AFFECTING RESULTS**

The Commission has met this goal and is functioning as desired.

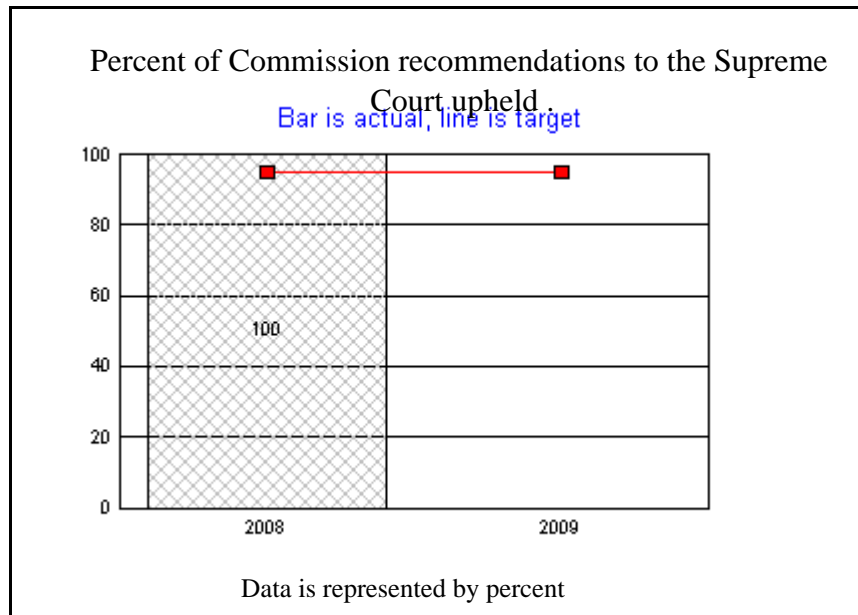
**6. WHAT NEEDS TO BE DONE**

The Commission will continue to function consistent with its mission and prior case law to fully meet this goal in the future.

**7. ABOUT THE DATA**

The reporting cycle is the fiscal years of the biennium budget cycle.

<b>KPM #</b>	Percent of Commission recommendations to the Supreme Court upheld versus the total number of recommendations forwarded to the Supreme Court.	2007
<b>Goal</b>	The Commission has had only one discipline case so far this biennium and its recommendation was fully accepted by the Supreme Court.	
<b>Oregon Context</b>		
<b>Data Source</b>	Staff records. Oregon Supreme Court records.	
<b>Owner</b>	Susan D. Isaacs, Executive Director	



**1. OUR STRATEGY**

The goal is to make recommendations consistent with prior Supreme Court case law, which sets the standards for judicial discipline.

**2. ABOUT THE TARGETS**

The Supreme Court's concurrence with the Commission establishes that the Commission's reasoning is analytically sound. The Commission wishes to stay the course.

**3. HOW WE ARE DOING**

This is a new objective established in the 2007-2009 budget.

**4. HOW WE COMPARE**

No comparison data available.

**5. FACTORS AFFECTING RESULTS**

The Commission has met this goal and is functioning as desired.

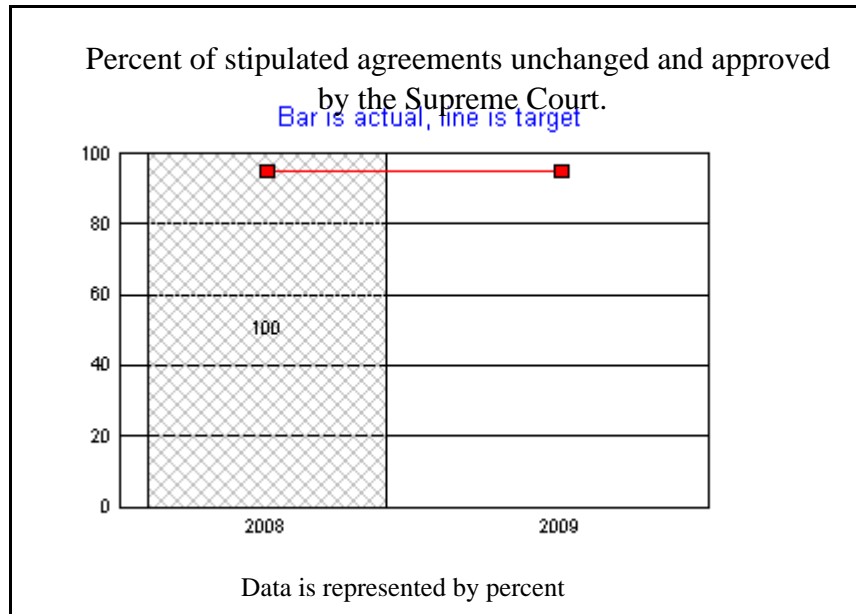
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The Commission will continue to function consistent with its mission and prior case law to fully meet this goal in the future.

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<b>Oregon Context</b>		
<b>Data Source</b>	Staff records. Oregon Supreme Court records.	
<b>Owner</b>	Susan D. Isaacs, Executive Director	



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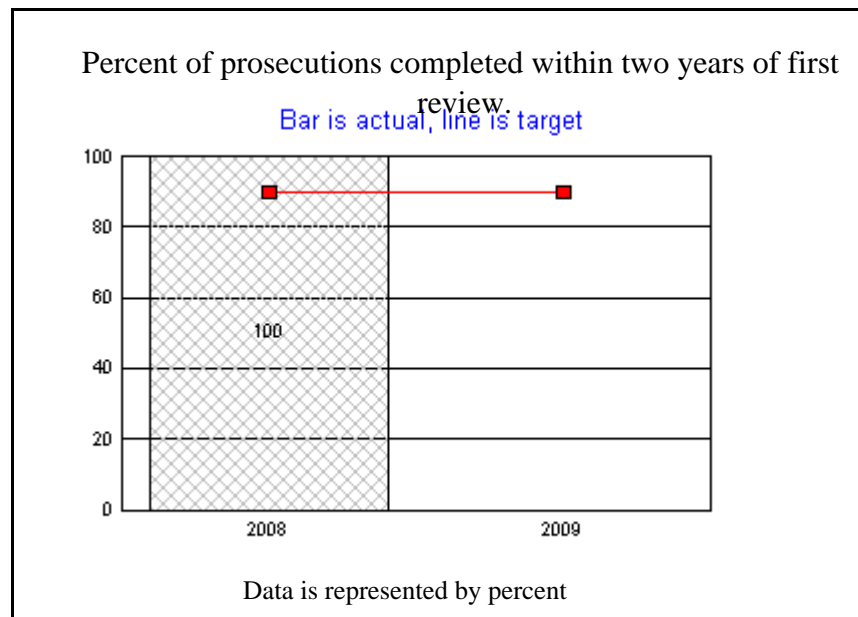
**6. WHAT NEEDS TO BE DONE**

The Commission will continue to function consistent with its mission and prior case law to fully meet this goal in the future.

**7. ABOUT THE DATA**

The reporting cycle is the fiscal years of the biennium budget cycle.

<b>KPM #</b>	Percent of prosecutions completed within two years of first review through date of final Commission action before the Supreme Court.	2007
<b>Goal</b>	Timely results from prosecutions are important for the accused judge, the complainant, and the public. This goal measures the efficiency in the Commission's processing of prosecution cases.	
<b>Oregon Context</b>		
<b>Data Source</b>	Staff records.	
<b>Owner</b>	Susan D. Isaacs, Executive Director	



**1. OUR STRATEGY**

Judicial prosecutions are a type of litigation. All participants benefit from efficient and timely processing of litigation, which by its very nature has emotional, financial, and professional ramifications.

**2. ABOUT THE TARGETS**

This target was fully met.

**3. HOW WE ARE DOING**

This is a new objective established for the 2007-2009 biennium, which quantifies the Commission's historical goal.

**4. HOW WE COMPARE**

No comparison data is available.

**5. FACTORS AFFECTING RESULTS**

The Commission has met this goal and is functioning as desired.

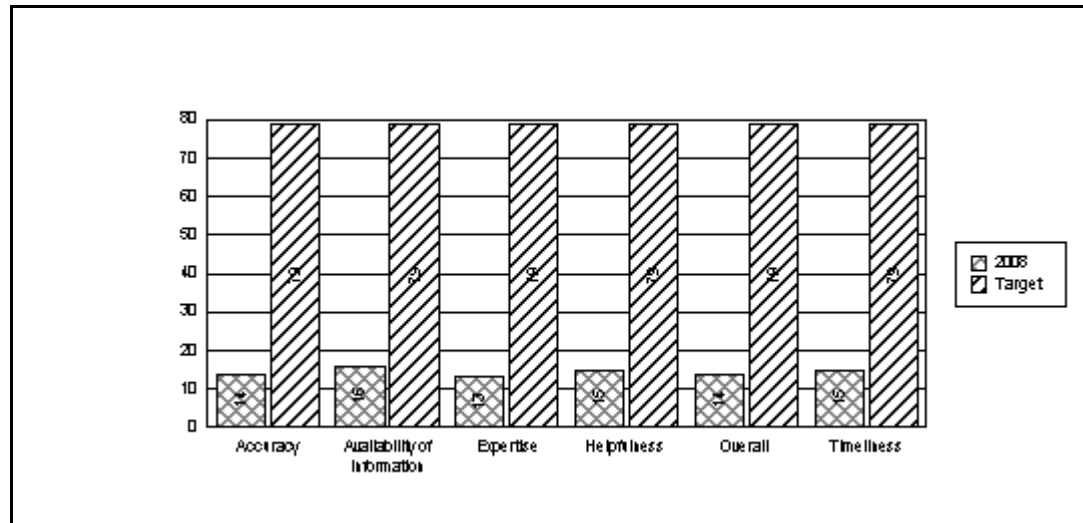
**6. WHAT NEEDS TO BE DONE**

The Commission will continue to strive to meet this goal each biennium as it has so far this biennium.

**7. ABOUT THE DATA**

The reporting cycle is the fiscal years of the biennium budget cycle.

<b>KPM #</b>	Percent of customers rating their satisfaction with the agency’s customer service as “good” or “ excellent”: overall, timeliness, accuracy, helpfulness, expertise, availability of information.	2007
<b>Goal</b>	This is a legislatively mandated survey for all state agencies as part of best practices for government.	
<b>Oregon Context</b>		
<b>Data Source</b>	2008 Judicial Fitness Customer Service Survey.	
<b>Owner</b>	Susan D, Isaacs, Executive Director.	



**1. OUR STRATEGY**

The Commission participated in the customer service survey as mandated by the legislature with the full understanding that, by the very nature of the function of the reviewing, investigating and prosecuting judges, neither complainants nor accused judges would provide positive feedback. The Commission will explore a different manner to fulfill this legislative mandate to hopefully generate results which can assist it in improving its functioning, rather than serving as an opportunity to vent as demonstrated in the comments.

**2. ABOUT THE TARGETS**

Results of excellent and good in all categories are desired. However, the results of this survey are not helpful to assess the Commission's fulfillment of its statutory mandate. The majority of those responding had not had contact with the Commission. The results from those who had had contact were so variable as to be meaningless.

**3. HOW WE ARE DOING**

The Commission knows that its function of reviewing complaints about judges and prosecuting judges makes it unpopular and subject to criticism and misunderstanding. It did not expect high marks on the survey because 95% of the complaints are dismissed as unfounded and judges who are prosecuted or questioned are unhappy as well.

**4. HOW WE COMPARE**

No comparison data is available.

**5. FACTORS AFFECTING RESULTS**

The Commission has only one employee – its Executive Director who is only a .5FTE employee. Thus, the expectation that the phone will always be answered and documents will be received within a few days of a request is unrealistic. Additionally, despite being informed that the Commission cannot change the outcome of a judge's decision and that the only issue before the Commission is whether a judge violated the provisions of the Code of Judicial Conduct, complainants do not comprehend the limits on the commission's jurisdiction and authority. That leads to inaccurate complaints about the functioning of the Commission and its staff. Furthermore, Commission files and information are confidential as mandated by statute. Thus, a great deal of information cannot be provided as requested, to ensure compliance with the statute.

**6. WHAT NEEDS TO BE DONE**

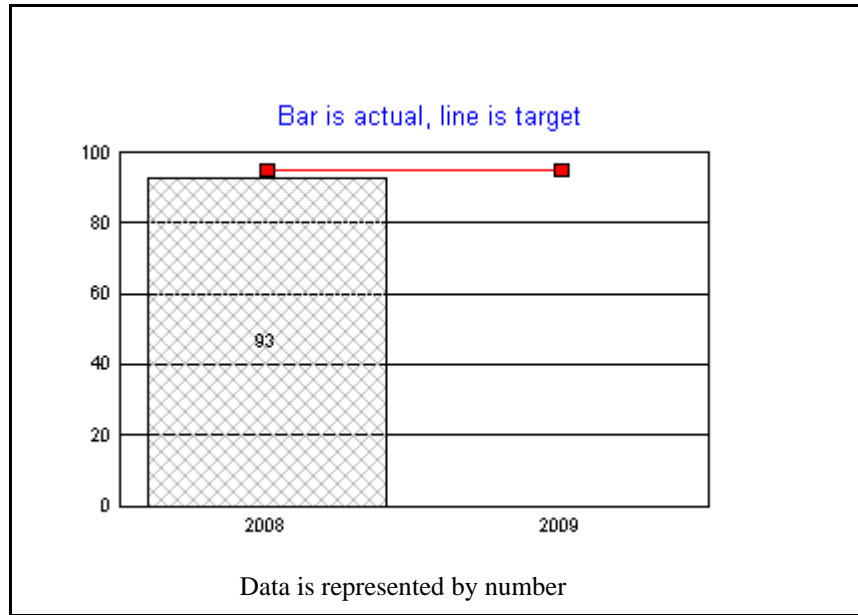
The Commission needs to focus its inquiry on how to improve its functioning, rather than focusing on criticism arising due to being understaffed, statutory confidentiality, and lack of understanding of the difference between legal questions and ethical issues.

**7. ABOUT THE DATA**

The survey was distributed to all Oregon judges and to all complainants from 2008. The survey was on the Commission's website and the Oregon

State Bar's website. The survey was open for the entire month of November 2008.

<b>KPM #</b>	Percent of total best practices met by the Board.		
<b>Goal</b>			
<b>Oregon Context</b>			
<b>Data Source</b>			
<b>Owner</b>	Susan D. Isaacs, Executive Director		



**1. OUR STRATEGY**

**2. ABOUT THE TARGETS**

**3. HOW WE ARE DOING**

**4. HOW WE COMPARE**

**5. FACTORS AFFECTING RESULTS**

**6. WHAT NEEDS TO BE DONE**

**7. ABOUT THE DATA**

**Agency Mission:** To ensure the quality of and effectiveness of the State Judicial System.

**Contact:** Susan D. Isaacs, Executive Director

**Contact Phone:** 503-626-6776

**Alternate:**

**Alternate Phone:**

The following questions indicate how performance measures and data are used for management and accountability purposes.

<p><b>1. INCLUSIVITY</b></p>	<p><b>* Staff :</b></p> <p>The Commission is staffed part time by its Executive Director.</p> <p><b>* Elected Officials:</b> Three of the nine Commission members are elected judges. The Executive Director teaches at the New Judges Seminar each June.</p> <p><b>* Stakeholders:</b> NA</p> <p><b>* Citizens:</b></p> <p>The Commission performs a very specialized function. Generally, citizen involvement is around specific individuals and issues under consideration. Three of the nine Commission members are public members.</p>
<p><b>2 MANAGING FOR RESULTS</b></p>	<p>NA</p>
<p><b>3 STAFF TRAINING</b></p>	<p>NA</p>

**4 COMMUNICATING RESULTS**

**\* Staff :**

NA

**\* Elected Officials:** NA

**\* Stakeholders:** NA

**\* Citizens:** NA