

TO:	Oregon Sunshine Committee
FROM:	Oregon Chapter, National Parents Organization (Oregon NPO)
RE:	Transparency Concerns — Oregon Commission on Judicial Fitness and Disability
DATE:	May 2026

Transparency Concerns Regarding the Oregon Commission on Judicial Fitness and Disability

Oregon NPO is submitting this briefing in advance of the Sunshine Committee’s upcoming meeting because Oregon NPO believes the current position and practices of the Commission on Judicial Fitness and Disability (“Commission”) are inconsistent with Oregon public meetings law, Oregon public records law, and the historical operation of the Commission itself.

Over the past year, the Commission has appeared before the Sunshine Committee asserting that its proceedings and records are confidential judicial proceedings exempt from ordinary public oversight requirements. At the Commission’s most recent May 15 meeting, the Commission asserted that essentially all Commission actions — including commissioner votes, meeting deliberations, and records concerning complaint dispositions — are confidential and not subject to public disclosure.

Oregon NPO finds this position unprecedented and inconsistent with Oregon’s longstanding transparency principles. Oregon NPO intends to file a formal grievance with the Oregon Government Ethics Commission regarding the Commission’s compliance with Oregon public meetings law.

Confidentiality during an investigation is not the same thing as permanent secrecy over how a public body exercises governmental authority.

What the Commission’s Current Position Conceals

Our concern is not with the existence of legitimate confidentiality protections during active judicial investigations. Rather, the Commission has expanded a limited confidentiality provision into near-total secrecy over the operation of Oregon’s judicial discipline process. Under its current interpretation, the public, press, and legislators cannot access:

- Commissioner votes
- Meeting minutes
- Deliberations
- Disciplinary dismissals
- Negotiated resolutions
- Records on completed matters that never advance to a public hearing

As a practical matter, Oregon’s judicial oversight body now operates with no meaningful public visibility despite a record number of complaints each year.

This Was Not Always the Commission’s Posture — The Vance Day Precedent

This was not always the Commission’s public posture. Attached to this briefing is the Commission’s September 8, 2015 press release announcing public proceedings against Marion County Judge Vance Day. The Vance Day case demonstrates how the judicial discipline process historically operated under ORS 1.440 and the Commission’s own Rules of Procedure.

In Day, the process followed the statute’s before-and-after structure: complaints were received; the Commission investigated; the Commission held a public hearing under ORS 1.420; reviewed the evidence and record; issued findings, conclusions, and a recommendation; and the resulting materials became public as part of the adjudicative process. No one treated the post-investigation stage as permanently confidential.

Notably, this was the last public hearing by the Commission, and the statutory framework governing the Commission has not materially changed since the Vance Day proceeding. What has changed appears to be the Commission’s interpretation of confidentiality — not the law itself.

Oregon’s Transparency Law Requires Narrow Construction of Exemptions

The Oregon Attorney General’s 2024 Public Records and Meetings Manual emphasizes that Oregon transparency laws are intended to preserve public oversight of government activity and that exemptions from openness should be interpreted narrowly. The Manual confirms that Oregon public meetings law generally requires public notice, public attendance, minutes, and public voting, while limiting executive sessions and prohibiting secret decision-making.

Oregon NPO’s Proposed Compliance Framework

Oregon NPO did not ask the Commission to publicly disclose active investigative materials or complainant identities. Instead, Oregon NPO proposed a narrow framework intended to balance legitimate confidentiality interests with Oregon’s public accountability principles:

- Public agendas identifying matters by complaint number only
- Public minutes recording attendance, recusals, motions, and dispositions
- Commissioner votes identified only by complaint number
- Lawful executive sessions where a stated statutory basis exists
- Compliance with ordinary public meetings procedures, including the prohibition on secret votes

Under this proposal, confidential investigations could remain confidential while still allowing public oversight of the Commission’s governmental decision-making process. The Commission declined that proposal.

Oregon NPO’s Request to the Sunshine Committee

For Oregon NPO, the issue is no longer whether confidentiality exists. The issue is whether confidentiality has expanded so broadly that Oregon’s judicial oversight system no longer operates with meaningful public accountability at all.

Oregon NPO believes these issues warrant continued review by the Sunshine Committee, legislators, and members of the press because they raise broader questions about transparency, accountability, and public confidence in Oregon government institutions.

Attachments

- Commission on Judicial Fitness Press Release — Vance Day Hearing (September 8, 2015)
- CJFD Executive Director Email (May 14, 2026) — Written Confirmation of Secrecy Claim