In the Matter of Establishing Rules for the Office of the Ombudsman	)	CHIEF JUSTICE ORDER
	)	No. 26-049
	)	
	)	ORDER ESTABLISHING RULES FOR
	)	THE OFFICE OF THE OMBUDSMAN

I HEREBY ORDER, pursuant to ORS 1.002 and ORS 1.011, that:

1. Rules for the Oregon Judicial Department's Office of the Ombudsman are established, as shown in Attachment A to this order.

2. This order takes effect November 1, 2026.

Dated this 27th day of October, 2026.

Meagan A. Flynn
Chief Justice

ATTACHMENT A
TO CJO NO. 26-049

OFFICE OF THE OMBUDSMAN RULES

1. Purpose

a. The Office of the Ombudsman ("the Office") is established within the Office of the State Court Administrator to receive and respond to comments and concerns regarding court experiences for the purpose of improving judicial performance and ensuring fair and accessible justice services, consistent with the mission of the Oregon Judicial Department (OJD).

b. The Office of the Ombudsman offers an opportunity for the public to confidentially communicate feedback and concerns about Oregon courts and individual judges. The Office provides information to the public about court processes, while also providing confidential feedback, mentoring, and education to judges to improve court services and address the issues raised by the public.

c. The Office of the Ombudsman is not a mechanism for challenging a ruling in a case and does not replace the appellate process. Any concerns submitted must be unrelated to the substance of rulings.

2. Definitions

a. Chief Justice — Chief Justice of the Oregon Supreme Court.

b. Coach — A professional with expertise in coaching techniques creating a formal relationship with a structured focus on performance improvement and achieving specific goals within a defined timeframe.

c. Employee — All employees, as the term is used in Oregon Judicial Department Personnel Rule 1.01(1).

d. Information — Facts, data, experiences, and documents provided by a submitter and facts, data, or any other documents gathered or learned by the Office of the Ombudsman.

e. Judge — Any current or former member of the Judicial Conference of the State of Oregon, as described in ORS 1.810.

f. Meaningful engagement — Engaging with any action assignment within the timeline prescribed by the Ombudsman and actively participating in the assignment until it is complete or is otherwise discharged by the Ombudsman.

g. Mentor — An experienced judge who offers guidance to another person. The mentor relationship can be informal, personal, and focused on overall development.

h. Office of the Ombudsman ("the Office") — The entire office generally, including the Ombudsman, staff, and agents of the Ombudsman.

i. Official duties — The work normally performed by an ombudsman or those working in such an office.

j. Ombudsman — An Oregon judge selected to serve as the OJD Ombudsman and the head of the Office of the Ombudsman.

k. Ombudsman program — Any training, mentoring, coaching, educational, or other program administered as part of the operations of the Office.

l. Ongoing case — Any matter where a court, including an appellate court, has current jurisdiction, except where long-term orders are entered, such as in child custody cases or guardianships.

m. Submission — Comments and concerns provided to the Office of the Ombudsman by a submitter.

n. Submitter — An individual who provides comments and concerns regarding court experiences to the Office of the Ombudsman.

3. Scope

Submissions that are outside the scope of the Office of the Ombudsman include:

a. Challenges to or concerns about a ruling or decision in a case.

b. Complaints about attorneys.

c. Concerns regarding an ongoing case.

d. Concerns regarding courts or entities that are outside the jurisdiction of OJD.

4. Receipt of Submission

a. A person may submit feedback or concerns by filling out the submission form on the Office's website: www.courts.oregon.gov/ombudsman.

b. If a submitter appears to be unable to or expresses an inability to file a submission, the Office will make reasonable accommodations.

c. The Office may respond to the submission to acknowledge receipt and to provide general information relevant to the submission, including information on how to refer matters to other regulatory or reporting bodies.

d. The Office will not provide legal advice to members of the public.

5. Required Information for Submissions

The content of submissions will be determined by the Office.

6. Employee Submissions

The Office of the Ombudsman was created to address concerns of the public. Submissions by or about OJD employees shall be immediately referred to the Human Resource Services Division (HRSD) pursuant to Rule 7(c)(vii), except that the Chief Justice may submit concerns about a judge to the Ombudsman at any time.

7. Confidentiality

Purpose Statement:

The OJD Office of the Ombudsman exists to improve judicial performance and ensure fair and accessible justice services by receiving feedback and concerns from members of the public who interface with OJD's courts, staff, and judges. Protecting the confidentiality of reports made to the Office is necessary to encourage complete and honest communications of concerns about the courts.

The Office of the Ombudsman also exists to provide meaningful feedback, engage in mentoring, and ensure education for court staff and judges as that education might relate generally, or specifically, to concerns raised by members of the public. For this feedback, mentoring, and education to be productive, OJD shall treat communications to and from the Office, within the department related to matters brought before the Ombudsman, and any communications related to education, mentoring, and feedback, with the utmost confidentiality and privacy. OJD finds that the need for meaningful education and frank communication while providing mentoring and feedback, including possibly case-specific content, outweighs the public interest in disclosure of any records, communications, or documentation related to the work of the Office. OJD shall consider all records related to the Office to be submitted in confidence with an expectation of privacy by all involved persons whether coaches, mentors, mentees, staff, or judges, and finds that the public interest in carrying out this meaningful education, mentoring, and feedback outweighs any public interest in disclosure.

OJD finds that for the reasons stated above, as well as others not specifically stated, all records deemed confidential by this rule are exempt from disclosure under the public records laws pursuant to ORS 192.355 and related statutes.

Pursuant to ORS 1.011:

a. "Confidential Information" means all data and communications relating to submissions to the Office, referrals to the Office, or Ombudsman programs.

b. Confidential Information shall not be disclosed for any purpose other than in connection with official duties of the Office. Nothing in this rule shall limit any other confidentiality or privilege protection, such as Health Insurance Portability and Accountability Act (HIPAA) or attorney-client privilege.

c. Notwithstanding sections (a) and (b):

    i. When the Office receives information concerning a threat to the safety of any person or persons, information concerning such threat may be provided to the person or persons threatened, to persons or organizations responsible for the safety of the person or persons threatened, and to law enforcement and/or any appropriate prosecutorial agency. Nothing in this rule shall limit any statutory mandatory reporting obligation or any obligation related to notice or liability.

    ii. Confidential Information relating to an individual may be disclosed with the individual's written permission, but at the discretion of the Office. Confidential Information relating to two or more individuals may only be disclosed with written permission of all the individuals.

    iii. Information that is de-identified and aggregated pursuant to Rule 15 is not confidential.

    iv. If a subject judge fails to meaningfully engage with the Office, the Ombudsman will refer the matter to the Chief Justice of the Oregon Supreme Court who may issue a notice to engage.

    v. The Chief Justice may refer any failure to comply with a notice to engage to the Commission on Judicial Fitness and Disability as a violation of the Oregon Code of Judicial Conduct Rule 3.5 (E). The referral to the Commission, including a copy of the notice to engage, is not confidential. The underlying matter and information made confidential in section (a) of this rule remain confidential.

    vi. If a subject judge offers representations regarding their engagement with the Office to the Commission on Judicial Fitness and Disability or other investigatory body, the Chief Justice may treat the representation as a limited waiver of confidentiality and may respond to any request from the Commission or other investigatory body by providing to that body Confidential

Information that is relevant to the representation and responsive to the request.

vii. Confidential Information may be shared internally with other parts of OJD if done in connection with the Ombudsman's official duties.

d. The Office shall take reasonable measures to safeguard the security of Confidential Information held by the Office.

e. OJD shall oppose all requests or demands for Confidential Information that are inconsistent with these rules.

8. Actions and Procedures

a. The Ombudsman shall review a submission if:

i. The submission provides sufficient detail to allow meaningful review, and

ii. The submission alleges conduct within the scope of these rules.

b. Review of submission

i. The Office may acquire supporting information from the court record, including confidential documents and audio, as well as information from other sources.

ii. The Ombudsman will contact the judge whose actions are being reviewed prior to taking any action in Rule 8(c)(iii)–(v).

c. After review, the Ombudsman may:

i. Take no action: The Ombudsman may determine that no additional action is warranted. At any stage, if the review reveals that there is not sufficient cause to proceed, the submission shall be closed. If the judge has been notified of the submission, the judge shall be notified of the closure.

ii. Consider previous submissions: The Ombudsman may review information from previous submissions that were closed.

iii. Recommend and/or assign an action in coordination with subject judge including, but not limited to:

1) Counseling.

2) Mentoring.

3) Coaching.

4) Education.

5) Other types of intervention that are deemed appropriate to address practices by the subject judge.

iv. Refer the matter to some other body if necessary and if confidentiality allows.

v. Refer the matter to the Chief Justice.

9. Timeliness

a. The Office shall diligently process and address submissions in a timely manner.

b. Any judge assigned an action in Rule 8(c)(iii) must meaningfully engage with the Office as defined by Rule 2(f). Lack of meaningful engagement with assigned actions may lead to further action from the Ombudsman or the Chief Justice, including additional assignments or referral to the Commission on Judicial Fitness and Disability.

10. Opportunity to Be Heard

Judges are entitled to a reasonable opportunity to submit a confidential written or oral response and supporting documentation to the Chief Justice:

a. Before the Chief Justice issues a notice to engage.

b. Before the Chief Justice refers a matter to the Commission on Judicial Fitness and Disability.

c. Regarding any action recommended or assigned to the judge by the Ombudsman.

11. Active Cases

The Office will not process submissions related to ongoing cases.

12. External Bodies

The Office will only engage with external reporting bodies if required to do so by law or as otherwise permitted by these rules.

13. Conflict of Interest

a. A member or agent of the Office shall not participate in any matter before the Office which presents an actual conflict of interest. An actual conflict of interest exists when any action, decision, or recommendation by the

official would result in a private financial benefit or detriment to themselves, a relative, or a business they are associated with.

b. A member or agent of the Office prohibited from participating under this rule may disclose the conflict to the subject of the submission. If the subject of the submission agrees to the member's or agent's participation, the member or agent may participate in the matter.

14. Retention of Records

The Office shall retain records as required by law and OJD policy.

15. Data Reporting

The Office shall de-identify and aggregate any data assembled for reporting purposes or otherwise intended to be public facing in a manner that ensures the protection of individuals in small datasets or sample sizes.