

Table 5.8
JUDICIAL DISCIPLINE: INVESTIGATING AND ADJUDICATING BODIES

<i>State or other jurisdiction</i>	<i>Investigating body</i>	<i>Adjudicating body</i>	<i>Appeals from adjudication are filed with:</i>	<i>Final disciplining body</i>	<i>Point at which reprimands are made public</i>
Alabama	Judicial Inquiry Committee	Court of the Judiciary	Supreme Court	Court of the Judiciary	Filing of the complaint with the Court of the Judiciary
Alaska	Committee on Judicial Conduct	Supreme Court	N.A.	Supreme Court	Filing of recommendation with Supreme Court
Arizona	Commission on Judicial Conduct	Commission on Judicial Conduct	Discretionary with Supreme Court	Supreme Court	Commission on Judicial Conduct determines if there is probable cause to bring formal charges.
Arkansas	Judicial Discipline and Disability Committees	Commission	Supreme Court	Supreme Court	At disposition of case
California	Commission on Judicial Performance	Commission on Judicial Performance	Supreme Court has discretionary review	Commission on Judicial Performance	Upon commission determination (a)
Colorado	Committee on Judicial Discipline	Commission on Judicial Discipline	No appeal	Supreme Court	Adjudication
Connecticut	Judicial Review Council	Judicial Review Council; Supreme Court	Supreme Court	Supreme Court	Public censure is issued at between 10 and 30 days after notice to the judge, provided that if the judge appeals, there is an automatic stay of disclosure.
Delaware	Council on Probate Judicial Conduct	Council on Probate Judicial Conduct	Supreme Court	Supreme Court	Upon issuance of opinion and imposition of sanction
Florida	Preliminary Committee of the Court on the Judiciary	Court on the Judiciary	No appeal	Court on the Judiciary	
Georgia	Investigatory Committee of the Court on the Judiciary	Judicial Qualifications Commission (b)	No appeal	Supreme Court (c)	Filing of formal charges by Committee with Supreme Court Clerk
Hawaii	Judicial Qualifications Commission	Supreme Court	No appeal	Supreme Court	Formal Hearing
Idaho	Commission on Judicial Conduct	Commission on Judicial Conduct	No appeal	Supreme Court	Imposition of public discipline by Supreme Court
Illinois	Judicial Council	Supreme Court	Supreme Court	Supreme Court	Filing with Supreme Court
Indiana	Judicial Inquiry Board	Courts Commission	No appeal	Courts Commission	Filing of complaint by Judicial Inquiry Board to Courts Commission
Iowa	Judicial Qualifications Commission	Supreme Court	N.A.	Supreme Court	Institution of Formal Proceedings
Kansas	Commission on Judicial Qualifications	Judicial Qualifications Commission	Supreme Court	Supreme Court	Application by the commission to the Supreme Court
Kentucky	Committee on Judicial Conduct	Supreme Court	Supreme Court	Supreme Court	Reprimand is published by Supreme Court if approved by Supreme Court.
Louisiana	Judiciary Commission	Judicial Conduct Committee	Supreme Court	Judicial Conduct Committee	Application of judge under investigation
Maine	Committee on Judicial Responsibility and Disability	Supreme Judicial Court	No appeal	Supreme Judicial Court	Filing of formal complaint by commission with Supreme Court
					Filing of report to Supreme Judicial Court

See footnotes at end of table.

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Maryland	Commission on Judicial Disabilities	Court of Appeals	N.A.	Court of Appeals	Filing of record by Committee to Court of Appeals
Massachusetts	Commission on Judicial Conduct	Supreme Judicial Court	N.A.	Supreme Judicial Court	After final of formal charges with the Supreme Judicial Court
Michigan	Judicial Tenure Commission	Supreme Court	Supreme Court	Supreme Court	Filing of formal complaint by commission with Supreme Court
Minnesota	Board of Judicial Standards	Supreme Court	No appeal	Supreme Court	Filing of formal charges by Committee with Supreme Court
Mississippi	Commission on Judicial Performance	Supreme Court	N.A.	Supreme Court	Recommendation of Commission to Supreme Court
Missouri	Commission on Retirement, Removal and Discipline	Commission on Retirement, Removal and Discipline	Supreme Court	Supreme Court	Filing of recommendation by Committee to Supreme Court
Montana	Judicial Standards Commission	Supreme Court	No appeal	Supreme Court	Filing of record by Committee with Supreme Court
Nebraska	Commission on Judicial Qualification	Supreme Court	No appeal	Supreme Court	Commission may issue a public reprimand
Nevada	Commission on Judicial Discipline	Commission on Judicial Discipline	Supreme Court	Commission on Judicial Discipline	Upon filing of report by Committee and service upon judge
New Hampshire	Supreme Court Committee on Judicial Conduct	Supreme Court	Supreme Court	Supreme Court	On issuance of reprimand (d)
New Jersey	Advisory Committee on Judicial Conduct	Supreme Court	N.A.	Supreme Court	Filing of formal complaint
New Mexico	Judicial Standards Commission	Supreme Court	N.A.	Supreme Court	Filing of record by Commission with Supreme Court
New York	Commission on Judicial Conduct	Commission on Judicial Conduct	Court of Appeals	Commission on Judicial Conduct and Court of Appeals	Completion of service of record on respondent
North Carolina	Judicial Standards Commission	Supreme Court	No appeals	Supreme Court	Upon recommendation of Commission to Supreme Court
North Dakota	Commission on Judicial Conduct	Supreme Court	N.A.	Supreme Court	At formal hearing
Ohio	Board of Commissioners on Grievance and Discipline (e)	Board of Commissioners on Grievance and Discipline	Supreme Court	Supreme Court	Adjudication
Oklahoma	Court on the Judiciary Trial Division Council	Court on the Judiciary Trial Division Council on Judicial Complaints	Court on the Judiciary Division; no appeal from Council on Judicial Complaints	Court on the Judiciary Appellate Division	Filing with clerk of the Appellate Court
Oregon	Council on Judicial Complaints	Supreme Court	No appeal	Supreme Court	(g)
Pennsylvania	Commission of Judicial Fitness and Disability (f)	Supreme Court	Supreme Court	Supreme Court	Once a final decision has been made
Rhode Island	Judicial Conduct Board	Court of Judicial Discipline	No appeals	Supreme Court	When Supreme Court affirms a recommendation for reprimand or removal

See footnotes at end of table.

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South Carolina	Commissioners on Judicial Conduct	Supreme Court	N.A.	Supreme Court	Adjudication
South Dakota	Judicial Qualifications Commission	Supreme Court	No appeals	Supreme Court	Filing with the Supreme Court
Tennessee	Court of the Judiciary	Court of the Judiciary	Supreme Court, then General Assembly	Supreme Court or General Assembly	Filing of complaint in Appellate Court Clerk's office
Texas	State Commission on Judicial Conduct	Supreme Court, Commission on Judicial Conduct, or review tribunal consisting of Justices of the Courts of Appeals	Supreme Court	Supreme Court, Commission on Judicial Conduct, or review tribunal consisting of Justices of the Courts of Appeals	Convening of formal hearing by the Commission on Judicial Conduct
Utah	Judicial Conduct Commission	Judicial Conduct Commission	Supreme Court	Supreme Court	10 days after filing appeal
Vermont	Judicial Conduct Board	Supreme Court	Supreme Court	Supreme Court	Filing of formal charges by Board with Supreme Court
Virginia	Judicial Inquiry and Review Commission	Supreme Court	Supreme Court	Supreme Court	Filing of formal complaint by Committee with Supreme Court
Washington	Commission on Judicial Conduct	Supreme Court	No appeal	Committee on Judicial Conduct or Supreme Court	Beginning of fact finding hearing by Committee
West Virginia	Judicial Investigation Committee and Judicial Hearing Board	Judicial Hearing Board (JHB)	JHB recommends to SCA (i)	Supreme Court of Appeals (h)	Upon decision by Supreme Court of Appeals
Wisconsin	Judicial Commission	Supreme Court (i)	No appeal	Supreme Court	Filing of petitioner formal complaint by Judicial Commission w/Supreme Court
Wyoming	Commission on Judicial Conduct and Ethics	Supreme Court	N.A.	Supreme Court	Filing with Supreme Court
Dist. of Columbia	Commission on Judicial Disabilities and Tenure	Commission on Judicial Disabilities and Tenure	Federal judge panel; 3 appointments by Chief Justice of Supreme Court	Commission on Judicial Disabilities and Tenure	Filing of order with D.C. Court of Appeals (f)
Puerto Rico	Disciplinary and Removal from office for health reasons	Supreme Court	N.A.	Supreme Court	Filing of formal complaint to the Discipline Commission

Source: Bureau of Justice Statistics, *State Court Organization, 2004* NCJ 212351, update from the National Center for State Courts, March 2011.

Key:

N.A.— Not applicable

(a) In cases involving more serious misconduct, the commission may issue a public admonishment or public censure. The nature and impact of the misconduct generally determine the level of discipline. Both public admonishments and public censures are notices sent to the judge describing the improper conduct and stating the findings made by the commission. These notices are also made available to the press and the general public.

(b) The Judicial Qualifications Commission investigates and makes recommendations to the Supreme Court for discipline or removal.

(c) The Supreme Court power of removal is alternative and cumulative to the power of impeachment and suspension by the Governor and Senate.

(d) The Supreme Court Committee on Judicial Conduct may admonish, reprimand or order conditions, and the Supreme Court may impose formal discipline.

(e) Initial review is carried out by a panel of three commissioners.

(f) Technically, the Commission of Judicial Fitness and Disability does not adjudicate disciplinary matters. It hears the evidence and makes recommendations to the Supreme Court, which must review the records, or any stipulation for discipline and can hear additional evidence. Technically, then, there is no appeal. The Supreme Court orders any discipline, including any stipulated sanction.

(g) In Oregon, the allegations become public when the Commission issues a notice of public hearing, generally 14 days in advance of the hearing (although it can be less in the public interest). The actual complaint is not made public then, but the notice includes the general nature of the allegations. In a disciplinary case (but not a disability case), the Commission hearing, the evidence received there, and the Commission's decisions and recommendations are public. The Supreme Court decision is public when the Court files its opinion. There is no reprimand or other sanction until the Supreme Court decision.

(h) The final disciplining body is the same for both the Commission and Judicial Hearing Board.

(i) The Judicial Conduct and Disability Panel, through an ad hoc three-judge panel (two must be Court of Appeals judges, one can be a retired, reserve judge or Court of Appeals judge appointed as a hearing examiner) makes a report to the Supreme Court.

(j) This only applies in cases of removal or involuntary retirement wherein the Chief Justice appoints a three-member federal judge panel to review commission's order of removal.

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