

Rule 619

DISPOSITIONS OF A HEARING PANEL; JUDGE

- (a) **Judge.** “Judge,” as used in this rule, means a Court of Appeals Judge, District Judge, District Magistrate Judge, Senior Judge, Retired Judge accepting judicial appointments, Municipal Court Judge, Master, Referee, Judicial Hearing Officer, Temporary Judge, Pro Tempore Judge, Part-time Judge, or Commissioner who performs any functions of a judge in any court of this state. A “judge” also includes a candidate for judicial office; a candidate is a person seeking selection for or retention in judicial office by election or appointment.
- (b) **Burden of Proof; Dispositions.** To sustain the charges against a judge, at least four Hearing Panel members must find the charges have been proven by clear and convincing evidence. If the panel finds the charges have been proven, it must make one of the following dispositions:
 - (1) admonish the respondent;
 - (2) issue a cease-and-desist order;
 - (3) recommend to the Supreme Court a discipline of public censure, suspension, or removal; or
 - (4) recommend to the Supreme Court compulsory retirement of the respondent.
- (c) **No Recommendation to the Supreme Court.** If the panel finds the charges have not been proven or its disposition is admonishment or issuance of a cease-and-desist order, the proceedings will terminate and the examiner, the respondent or the respondent’s attorney and any complainant will be notified.
- (d) **Recommendation to the Supreme Court.** If the panel’s disposition is a recommendation to the Supreme Court, then the matter is referred for proceedings before the Supreme Court. In its referral to the Supreme Court, a Hearing Panel, for good cause, may recommend that a respondent be temporarily suspended from performing judicial duties pending final decision by the Supreme Court.
- (e) **Factors Considered for Disposition.** In making a disposition, a Hearing Panel may consider the following:
 - (1) the extent of the misconduct;
 - (2) the nature of the misconduct;
 - (3) the respondent’s conduct in response to the Commission’s proceedings;
 - (4) the respondent’s discipline record and reputation;

- (5) the effect the misconduct had on the integrity of and respect for the judiciary; and
 - (6) any other relevant factors.
- (f) **Written Findings, Conclusions, and Recommendations.** In all proceedings resulting in a recommendation to the Supreme Court for discipline or compulsory retirement, a Hearing Panel must submit in writing findings of fact, conclusions of law, and the basis for the recommendation.

[History: New rule adopted effective May 1, 2019.]