

**Rule 620**

**PROCEEDINGS BEFORE THE SUPREME COURT**

- (a) **Examiner; Special Counsel.** All proceedings filed in the Supreme Court under this rule must be conducted in the name of the State of Kansas by the Examiner or by special counsel appointed by the court.
- (b) **Docketing a Complaint in the Supreme Court.** The Hearing Panel’s findings of fact, conclusions of law, and recommendations will be filed with the clerk of the appellate courts. The matter will be docketed by the clerk as:

IN THE SUPREME COURT OF THE  
STATE OF KANSAS

In re \_\_\_\_\_,  
(Judge’s name)  
\_\_\_\_\_  
(Judge’s judicial title)

No. \_\_\_\_\_  
Original Proceeding  
Relating to Judicial  
Conduct

- (c) **Notice; Citation to the Respondent.** Upon docketing the case, the clerk will take the following action for notice and citation to the respondent.
  - (1) The clerk will send the respondent the Hearing Panel’s findings of fact, conclusions of law, and recommendations by certified mail return receipt requested. If the respondent’s address is unknown and a copy of the findings of fact, conclusions of law, and recommendations cannot be mailed to the respondent, the matter will stand submitted on the merits upon the filing of a certificate by the clerk disclosing such facts.
  - (2) The clerk will issue a citation directing the respondent to file with the clerk either:
    - (A) a statement that the respondent does not wish to file exceptions to the findings of fact, conclusions of law, and recommendations;
    - (B) a statement that the respondent does not wish to file exceptions to the findings of fact and conclusions of law but reserves the right to address the Supreme Court with respect to disposition of the case; or
    - (C) the respondent’s exceptions.
- (d) **No Exceptions by the Respondent.** If the respondent fails to file exceptions within 20 days after receipt of the citation or the respondent files a statement that the respondent does not wish to file exceptions, the Supreme Court will fix a time and place for the imposition of discipline and the clerk will notify the respondent by certified mail return receipt requested of the time and place. A Hearing Panel’s findings of fact and conclusions of law are conclusive and

cannot be challenged by the respondent unless exceptions have been timely filed. The respondent must appear in person at the time and place designated by the Supreme Court, may be accompanied by counsel, and may make a statement with respect to the disposition of the case.

- (e) **Exceptions by the Respondent.** A respondent must file exceptions within 20 days after receipt of citation. If the respondent files exceptions, the following steps are taken.
  - (1) **Record.** The clerk immediately causes a transcript of the record of the Hearing Panel's proceedings to be prepared and filed and a copy to be served on the respondent. The transcript is part of the record, and the State and the respondent may cite it in the briefs. As part of the record, the clerk files the formal complaint, any answer submitted by the respondent, any transcripts that were before a Hearing Panel, the exhibits, and other documents as the Supreme Court may direct. All facts included in the respondent's or Examiner's brief must be keyed to the record by volume and page number.
  - (2) **Brief Filing Schedule.**
    - (A) **Respondent's Brief.** The respondent's brief is due 30 days after the Hearing Panel's transcript is filed.
    - (B) **Examiner's Brief.** The Examiner's brief is due 30 days after the respondent's brief is filed.
    - (C) **Reply Brief.** A reply brief is due 14 days after the Examiner's brief is filed.
    - (D) **Failure to File Brief.** If the respondent fails to file a brief within 30 days from filing of the transcript, the respondent will be deemed to have conceded that the findings of fact made by the Hearing Panel are supported by the evidence.
  - (3) **Hearing.** The matter will be set for hearing after briefs are filed or the time for filing briefs has expired. The respondent must appear in person at the time and place designated by the Supreme Court, may be accompanied by counsel, and may make a statement with respect to the disposition of the case.
- (f) **Supreme Court Disposition.** The Supreme Court may enter any of the following dispositions:
  - (1) refer the matter back to a Hearing Panel for any further proceedings as directed by the court;
  - (2) reject the Hearing Panel's recommendations;
  - (3) dismiss the proceedings;
  - (4) order discipline;
  - (5) order compulsory retirement; or
  - (6) make any other disposition as justice requires.

- (g) **Discipline against Supreme Court Justice.** If the respondent is a Supreme Court Justice, the Supreme Court must determine whether the charges were proven by clear and convincing evidence. The discipline imposed is subject to the limitations of Article 3, §§ 1 and 15 of the Kansas Constitution governing the removal and retirement of justices of the Supreme Court.
  - (h) **Application of Appellate Procedure Rules.** Unless expressly provided otherwise or where the application of a particular rule would be clearly impracticable, inappropriate, or inconsistent, the rules of appellate procedure apply to proceedings in the Supreme Court for review of a recommendation of a Hearing Panel.
- [History: New rule adopted effective May 1, 2019.]**