RULE 10
EFFECT OF DISCIPLINE

(a) Removal or Retirement. The office of a judge removed or retired by the Supreme Court becomes vacant when the Supreme Court decision is final. A judge may not perform any judicial duties thereafter. A judge who is removed or retired by the Supreme Court is no longer eligible for judicial office unless the eligibility of the person removed or retired is reinstated by the Supreme Court.

(b) Suspension. The office of a judge suspended by the Supreme Court does not become vacant, but the judge may not perform any judicial duties during the period of suspension, except to the extent the decision of the Supreme Court provides otherwise.

(c) Effect of Discipline on Salary. A decision imposing discipline other than removal or retirement will state the effect of the discipline upon the salary of the judge. Subject to the limitation in rule 9(c), the Supreme Court may diminish the salary of the judge based only on the prospective future decrease in the judges workload brought about by the discipline imposed by the Supreme Court.

Comment

Section (a). The constitution provides that a judicial office becomes vacant if a judge is removed or retired. Const. art. 4, subsection 31 (amend. 71).

Section (b). If a judge is suspended from office, the implication is that the office is not vacant. This section makes this clear. The rule does not allow a judge to perform judicial duties while suspended, except as may be otherwise authorized by the Supreme Court.

Section (c). The constitution requires the Supreme Court to specify the effect on the judges salary of discipline other than removal or retirement. The Supreme Court will not use its power to affect salary as a means of imposing a fine on the judge, which is not specifically authorized by the constitution. Statutes control the collateral effect on retirement benefits of a Supreme Court decision affecting payment of a judge's salary.

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