

INITIATING SUPREME COURT CONSIDERATION

(a) Generally. Decisions of the commission disciplining a judge or finding no misconduct after a fact-finding proceeding shall be in writing, in accordance with the commission's rule CJCRP 24(d). The commission shall serve on the judge a copy of its decision. When the commission's decision after a fact-finding proceeding or pursuant to a stipulation to censure the judge, with a recommendation for suspension, removal, or retirement, or the judge has timely filed a notice of contest under DRJ 3, the commission shall file a copy of its decision with the Supreme Court when the commission's decision is final under the rules of the commission. The commission shall serve notice on the judge of the date the decision has been filed with the Supreme Court.

(b) Time for Filing. The written decision of the commission shall specify the time period in which the judge may file a notice of contest under rule 3. The period may not be shorter than 7 days nor longer than 28 days after the date of service on the judge of notice that the decision has been filed with the Supreme Court.

Comment

Section (a). The commission's rules require that all its public decisions must be in writing. Where the commission's decision to censure a judge includes a recommendation to suspend, remove, or retire a judge, the Supreme Court must consider and act on that recommendation. Any judge disciplined or recommended for retirement by the commission is entitled to review of that decision by the Supreme Court by filing a notice of contest.

Section (b). This section delegates to the commission the responsibility of determining how much time should be allowed for the filing of a notice of contest. The commission is in the best position to know whether the particular case requires prompt action or may be handled in a manner closely approximating the normal time limits for an appeal to the Supreme Court.

[Adopted effective May 14, 1982; Amended effective December 10, 2012.]