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RECORD ON REVIEW

(a) Transcription of Proceedings. Except as provided in section (b), upon receipt of a timely filed notice of contest, the commission shall at its own expense transcribe those portions of the record of the proceedings involving those charges upon which the decision of the commission is based. The transcription of the record and copies of relevant material filed with the commission shall be forwarded by the commission to the judge within the time authorized by the Supreme Court. Any objections relating to the accuracy and content of the record must be made within 14 days after service of the record on the judge. Objections shall be decided in accordance with the rules of the commission. The commission shall forward the record to the Supreme Court after objections are determined by the commission or, in the absence of objection, after the time for objection has expired.

(b) Agreed Record in Contested Proceedings. The commission and the judge may agree to a record in contested proceedings different from that required by section (a). The agreed record shall contain sufficient material to permit the Supreme Court to consider the decision of the commission.

(c) Uncontested Proceedings. If the judge has not timely filed a notice of contest, and the commission recommends suspension, removal, or retirement, the record shall consist of the decision of the commission and any other portions of the proceeding which the Supreme Court deems relevant for its consideration.

Comment

Section (a). The rule provides that the commission will prepare the record in a contested proceeding. The commission will only need to transcribe those portions of the proceedings which are relevant to its decision. Thus, if the judge was originally charged with five different violations of the Code of Judicial Conduct and the commission imposes discipline based on only one of those, it would only need to transcribe the portions of the proceedings relevant to the charge actually found. The commission will first serve the record on the judge to allow for its determination of any objections to the record before the matter is referred to the Supreme Court. If a party is not satisfied with the commission's determination of the objection, the Supreme Court will decide the matter.

Section (b). There may be circumstances when the commission and the judge disagree only over a limited part of the commission decision. In such circumstances, an agreed record is authorized. Cf. RAP 9.4.

Section (c). If a judge does not contest the commission decision, and the commission recommends suspension, removal, or an order of retirement, the record will only consist of the commission decision, supplemented by those portions of the record the Supreme Court deems relevant.

[Adopted effective May 14, 1982; Amended effective December 10, 2013.]