

REINSTATEMENT OF ELIGIBILITY TO HOLD JUDICIAL OFFICE

(a) Petition Filed With Commission. A former judge who has been removed from office or retired by the Supreme Court may apply to the commission for reinstatement of eligibility to hold judicial office.

(b) Commission Recommendation. The commission shall determine, under CJCRP 28, whether the applicant has made an affirmative showing that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest. The commission recommendation on the application shall be in writing.

(c) Supreme Court Procedure. A decision recommending that a former judge should or should not be reinstated to eligibility to hold judicial office shall be processed under these rules in the same manner as a decision of the commission recommending the discipline or retirement of a judge.

Comment

Section (a). The constitution gives to the Supreme Court the authority to reinstate the eligibility of a removed or retired judge to hold judicial office. The constitution does not establish standards for reinstatement. This section provides that the commission will initially consider an application for reinstatement.

Section (b). This section is modeled after rule 8.6(a) of the Discipline Rules for Attorneys. The Supreme Court has considered the question of attorney reinstatement several times. The standard set forth in the rule along with the developed case law will provide the commission and the Supreme Court with a basis for determining whether to reinstate a former judge's eligibility.

Section (c). Once a commission recommendation is filed with the Supreme Court, the procedure will be the same as in cases involving the discipline or retirement of a judge.

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