



National Forum On Judicial Accountability (NFOJA)
<http://50states.ning.com/>

Proposed Model State Legislation ▪ For Discussion Purposes Only ▪ Draft Date 8/8/2009

A PROPOSED STATE BILL

SYNOPSIS

Hereby proposed is the Citizens’ Panel on Judicial Misconduct (Citizens’ Panel) which shall have original and exclusive jurisdiction over judicial discipline, replacing any and all judicial disciplinary authority of this State, not including the Legislature’s power to impeach; further upon enactment and the effective date of this proposed Act, any and all other state judicial disciplinary agencies or authorities shall cease to exist, with all funding otherwise allocated to it or them being shifted to the Citizens’ Panel.

The Citizens’ Panel shall have original and exclusive jurisdiction over discipline imposed for judicial misconduct as defined herein. It shall have original and concurrent jurisdiction to indict a judge of this State for violation of one or more state criminal statutes in his or her judicial capacity.

The Citizens’ Panel is an agency of the legislative branch operating independently in its various functions.

The Citizens’ Panel shall have three major functions as exercised by its Screening Panel, Pre-Trial and Indictment Panel, as well as Trial and Judicial Discipline Panel. The Screening Panel shall dismiss any and all complaints before the Citizens’ Panel that fail to allege a cognizable claim of judicial misconduct, referring all others for consideration and appropriate disposition by the Pre-Trial and Indictment Panel.

Upon finding probable cause to believe a respondent judge violated one or more state criminal statutes in his or her judicial capacity, the Pre-Trial and Indictment Panel of the Citizen’s Panel shall indict that judge for said crime(s). In the event the Pre-Trial and Indictment Panel finds probable cause that a respondent judge violated one or more federal criminal statutes, it shall issue a written finding to that effect and notify through the Administrator, appropriate U. S. Attorneys and/or the appropriate U. S. Assistant Attorneys General. Further the Pre-Trial and Indictment Panel shall preside over pre-trial proceedings for all allegations of judicial misconduct pending before it in anticipation of trial and possible imposition of judicial discipline.

The Trial and Judicial Discipline Panel of the Citizens’ Panel has authority to try cases of alleged judicial misconduct as defined herein, imposing discipline when appropriate.

THE CITIZENS’ PANEL ON JUDICIAL MISCONDUCT ACT

An Act relating to investigation of alleged judicial misconduct as defined herein, indictment and discipline of judges for such misconduct, as well as creation of the Citizens’ Panel on Judicial



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Misconduct (Citizens' Panel) which shall be the sole judicial disciplinary body of this State, functioning independently as an agency of the Legislature.

This Bill shall become effective when enacted into law as provided by state constitution and applicable statutes.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) SHORT TITLE - This Act shall be cited as the Citizens' Panel on Judicial Misconduct Act.
(b) TABLE OF CONTENTS - The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I - GENERAL PROVISIONS

- Sec. 101. Definitions.
Sec. 102. Creation and Defined Function of the Citizens' Panel On Judicial Misconduct.

TITLE II - ADMINISTRATION

- Sec. 201. Administrative Structure.
Sec. 202. Funding, Budget, and Related Reporting.
Sec. 203. Panel Selection, Eligibility, Training, Assignment, Term of Service, and Compensation.
Sec. 204. Exemption and Excuse from Service.

TITLE III - COMPLAINT PROCEDURE

- Sec. 301. Purpose and Notice of the Complaint Process.
Sec. 302. Standing and Time Limits for Filing.

TITLE IV - MAINTAINING PANEL AND SUBPANEL SECRECY AND INDEPENDENCE

- Sec. 401. The Screening Panel.
Sec. 402. The Pre-Trial and Indictment Panel.
Sec. 403. The Trial and Judicial Discipline Panel.

TITLE V - RIGHTS OF THE PARTIES

- Sec. 501. Rights to Counsel.
Sec. 502. Rights Accorded By State and U.S. Constitution.
Sec. 503. Rehearing and Appeal.

TITLE VI - REACHING ACCORD AND IMPOSING SANCTIONS



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1 Sec. 601. Reaching Accord.
2 Sec. 602. Sanctions.

4 TITLE VII – SEVERABILITY PROVISION

6 Sec. 701. Severability Provision.

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