

Interim suspension provisions

Alabama

Constitution, Article VI, §159

Disqualification

A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

Alaska

Alaska Statutes Title 22. Judiciary § 22.30.070.

Disqualification, suspension, removal, retirement, and censure of judges

(a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under Alaska or federal law, or (2) a recommendation to the supreme court by the commission for the removal or retirement of the judge.

Arizona

Article 6.1 of the Arizona Constitution

2. Disqualification of judge

Section 2. A judge is disqualified from acting as a judge, without loss of salary, while there is pending an indictment or an information charging him in the United States with a crime punishable as a felony under Arizona or federal law, or a recommendation to the supreme court by the commission on judicial conduct for his suspension, removal or retirement.

3. Suspension or removal of judge

Section 3. On recommendation of the commission on judicial conduct, or on its own motion, the supreme court may suspend a judge from office without salary when, in the United States, he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law. If his conviction is reversed the suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the supreme court shall remove him from office.

Commission Rules

Rule 18

(c) Immediate disqualification. A judge shall be disqualified, without loss of salary, pursuant to article 6.1, § 2 of the constitution, from acting as a judge when the commission files a recommendation to the supreme court for the judge's suspension, removal, or retirement.

(d) Criminal conduct. The commission may recommend to the supreme court, pursuant to article 6.1, § 3 of the constitution, that a judge be suspended from office without salary when

the judge pleads guilty or no contest to, or is found guilty of, a crime punishable as a felony under state or federal law or of any other crime that involves moral turpitude under such law. The supreme court may also act on its own motion under this section

Arkansas

Arkansas Code

§ 16-10-408 - Suspension with pay.

A judge may be suspended by the Supreme Court with pay:

- (1) While an indictment or information charging him or her in any court in the United States with a crime punishable as a felony under the laws of Arkansas or the United States is pending;
- (2) While a recommendation to the Supreme Court by the Judicial Discipline and Disability Commission for his or her removal or involuntary disability retirement is pending; or
- (3) When articles of impeachment have been voted by the House of Representatives.

Rules of Procedures

Rule 10. Interim Sanctions.

A. Suspension with Pay. In instances of the (1) filing of an indictment or information charging a judge with a felony under state or federal law, or (2) the filing of a misdemeanor charge against a judge or justice where his ability to perform the duties of his office is adversely affected, the Commission shall convene within ten (10) days for the purpose of considering a recommendation to the Supreme Court that the judge or justice be temporarily suspended with pay pending the outcome of any disciplinary determination.

B. Effect on Commission Action. A temporary suspension with pay as an interim sanction shall not preclude action by the Commission with respect to the conduct that was the basis for the felony or misdemeanor charge, nor shall the disposition of the charge in any manner preclude such action.

California

Constitution, Article VI, §18

(a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under California or federal law, or (2) a petition to the Supreme Court to review a determination by the Commission on Judicial Performance to remove or retire a judge.

(b) The Commission on Judicial Performance may disqualify a judge from acting as a judge, without loss of salary, upon notice of formal proceedings by the commission charging the judge with judicial misconduct or disability.

(c) The Commission on Judicial Performance shall suspend a judge from office without salary when in the United States the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If the conviction is reversed, suspension terminates, and the judge shall be paid the salary for the judicial office held by the judge for the period of suspension. If

the judge is suspended and the conviction becomes final, the Commission on Judicial Performance shall remove the judge from office.

Rules of the Commission on Judicial Performance

Rule 120. Disqualification

(b) (Disqualification upon notice of formal proceedings) Before the commission has reached a determination regarding removal or retirement of a judge, the commission may temporarily disqualify a judge without loss of salary upon notice of formal proceedings pursuant to article VI, section 18(b) of the California Constitution if the commission determines that there is substantial evidence that the continued service of the judge poses a threat of serious harm to the public or to the administration of justice.

If good cause for disqualification is apparent, the commission may issue a notice of intention to temporarily disqualify the judge along with a notice of formal proceedings. Subsequent to the filing of a notice of formal proceedings, the examiner may file with the commission a motion to temporarily disqualify the judge. The commission's notice of intention to disqualify or the examiner's motion to disqualify shall be by personal service or service upon the judge's counsel. If such service cannot be effectuated, service shall be by prepaid certified mail upon the judge at his or her chambers and last known residence. If service is by mail, the notice shall be accompanied by an affidavit or certificate of mailing and an affidavit shall be filed regarding the inability to effectuate personal service or service upon counsel.

The judge shall have an opportunity to respond in writing within 10 days of receipt of the commission's notice of intention to disqualify or the examiner's motion to disqualify, or within 15 days after the mailing of the notice, whichever occurs first. The time for filing a response shall not be subject to extension under rule 108. The judge's response may include points and authorities in support of any legal arguments, and may include verified statements, other testimony, medical or other expert reports and any other evidence in opposition to the facts on which the commission's notice of intention to disqualify or the examiner's motion to disqualify is based. Upon the filing of a response or expiration of time for filing a response, the commission may issue an order of temporary disqualification.

(c) (Accelerated disposition of charges) In cases in which a judge is temporarily disqualified under rule 120(b) the disposition of the charges in the notice of formal proceedings shall be accelerated and the formal proceedings shall proceed without appreciable delay. In such cases, the commission may reduce the number of days provided in rules 122, 129, and 130 for the filing of papers in connection with the formal proceedings.

(d) (Duration of temporary disqualification) An order for temporary disqualification of a judge under subdivision (b) of this rule shall remain in effect until further order of the commission or until the pending formal proceedings have been concluded by the commission.

Colorado

Rules of Judicial Discipline

Rule 34. Temporary Suspension

(a) Request to Supreme Court. The Commission, by its chair, the executive director, or special counsel, may request the Supreme Court to order temporary suspension of a Judge, with pay, pending the resolution of preliminary or formal proceedings. The request shall include a statement of the reasons in support of the suspension, which may include the Judge's failure to cooperate with the Commission. Upon receipt of such a request, the Court may require additional information from the Commission.

(b) Order to Show Cause. Upon a finding that the Supreme Court has been fully advised and that a temporary suspension is appropriate, the Court (1) shall issue an order for temporary suspension; (2) direct the Commission to issue an order to the Judge to show cause to the Commission in writing, within 21 days, why the Judge should not continue to be temporarily suspended from any or all judicial duties pending the outcome of preliminary or formal proceedings before the Commission; and (3) appoint an active, retired, or senior judge or a retired justice as special master to preside over a show cause hearing. The Court may issue an order for temporary suspension and an order to show cause to the Commission on its own motion.

(c) Hearing. The special master shall conduct a hearing on the order to show cause within 28 days of the Judge's response to such order or such later date ordered by the special master, at which the executive director, special counsel, the Judge, Judge's counsel, and witnesses may appear and participate. Within seven days following the conclusion of the hearing, the special master shall file its findings and conclusions with the Supreme Court. Within the seven days thereafter, special counsel and the Judge or the Judge's counsel may file exceptions with the Court regarding the findings and conclusions. Upon its consideration of the findings, conclusions, and exceptions, the Court may affirm, modify, or terminate the temporary suspension.

(d) Further Order. The Supreme Court may issue further orders concerning the suspension, as it may deem appropriate.

(e) Voluntary Suspension. The Commission may inquire whether a Judge will voluntarily submit to temporary suspension, and a written consent, if obtained, shall be filed with the Supreme Court.

(f) Public Notice. An order by the Supreme Court for temporary suspension shall become public upon its issuance. However, the Commission's investigation, pleadings, and other records with respect to the temporary suspension and its record of proceedings in preliminary or formal proceedings shall remain confidential unless and until a recommendation for sanctions or a recommendation for approval of a stipulated resolution is filed with the Court under Rule 37.

Connecticut

CONNECTICUT GENERAL STATUTES GOVERNING, Chapter 872

§ 51-51s. Disqualification of judge, compensation commissioner or family support magistrate

A judge, compensation commissioner, or family support magistrate is disqualified from acting as a judge, compensation commissioner, or a family support magistrate, as the case may be, while there is pending (1) a charge against him for a crime punishable as a felony under the laws of this state or federal law, or a charge against him in another jurisdiction which would be

punishable as a felony under Connecticut or federal law, or (2) a charge against him for a crime under the law of any jurisdiction which involves moral turpitude under Connecticut law, or (3) a recommendation to the Supreme Court or the Governor, as the case may be, by the Judicial Review Council for his suspension or removal.

Florida

Judicial Qualifications Commission Rules

Rule 8.

Before or after the filing of a Notice of Formal Charges, the Investigative Panel may, in its discretion, issue its order directed to the judge ordering the judge to show cause before it why that panel should not recommend to the Supreme Court that the judge be suspended from office, either with compensation or without compensation, while the inquiry is pending. The order to show cause shall be returnable before the Investigative Panel at a designated place and at a time certain, at which place and time the Investigative Panel shall consider the question of suspension and any action thereto. Factors to be considered include: the seriousness of the allegation of misconduct, the preservation of public confidence in the judicial system, the responsiveness of the judge to the disciplinary process, or whether the judge has engaged in conduct that demonstrates a present unfitness to hold office. The arrest or conviction of a crime constitutes a sufficient basis for the recommendation for suspension under this rule. Thereafter, and upon the filing of a Notice of Formal Charges with the Supreme Court, the Investigative Panel, not less than two-thirds of its members concurring, may recommend to the Supreme Court that the judge be suspended from performing the duties of office, either with or without compensation, pending final determination of the inquiry. If the Investigative Panel recommends suspension, such recommendation shall have incorporated the factual basis for the recommendation.

Georgia

Rules of the Judicial Qualifications Commission of Georgia

Rule 15. Interim Suspension

A. Indictment for Felony. Upon indictment of any judge for a felony by a grand jury of this state or of the United States, the Attorney General or district attorney shall transmit a certified copy of the indictment to the Hearing Panel of the Commission.

(1) The Hearing Panel shall, subject to subsection (A) (2) of this Rule, review the indictment, and if the Hearing Panel determines that the indictment relates to and adversely affects the administration of the office of this indicted judge and that the rights and interests of the public are adversely affected thereby, the Hearing Panel, on behalf of the Commission, shall suspend the judge immediately and without further action pending the final disposition of the case or until the expiration of the judge's term of office, whichever occurs first. During the term of office to which such judge was elected and in which the indictment occurred, if a nolle prosequi is entered, if the public official is acquitted, or if after conviction the conviction is later overturned as a result of any direct appeal or application for a writ of certiorari, the judge shall

be immediately reinstated to the office from which he or she was suspended. While a judge is suspended under this subsection and until initial conviction by the trial court, the judge shall continue to receive the compensation from his or her office. After initial conviction by the trial court, the judge shall not be entitled to receive the compensation from his or her office. If the judge is reinstated to office, he or she shall be entitled to receive any compensation withheld under the provisions of this subsection. For the duration of any suspension under this subsection, the Governor shall appoint a replacement judge. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in the Georgia Constitution or the laws enacted in pursuance thereof.

(2) The Hearing Panel shall not review the indictment for a period of 14 days from the day the indictment is received. This period of time may be extended by the Hearing Panel. During this period of time, the indicted judge may, in writing, authorize the Hearing Panel to suspend him or her from office. Any such voluntary suspension shall be subject to the same conditions for review, reinstatement, or declaration of vacancy as are provided in this subsection for a non-voluntary suspension.

(3) After any suspension is imposed under this subsection, the suspended judge may petition the Hearing Panel for a review. If the Hearing Panel determines that the judge should no longer be suspended, he or she shall immediately be reinstated to office.

(4) The findings and records of the Commission and the fact that the public official has or has not been suspended shall not be admissible in evidence in any court for any purpose. The finding and records of the Commission shall not be open to the public.

(5) Reserved.

(6) If a judge who is suspended from office under the provisions of this subsection is not first tried at the next regular or special term following the indictment, the suspension shall be terminated and the judge shall be reinstated to office. The judge shall not be reinstated under this provision if he or she is not so tried based on a continuance granted upon a motion made only by the defendant.

B. Conviction of Felony. Upon initial conviction of any judge for any felony in a trial court of this state or the United States, regardless of whether the judge has been suspended previously under subsection (A) of this Rule, such judge shall be immediately and without further action suspended from office. While a judge is suspended from office under this subsection, he or she shall not be entitled to receive the compensation from his or her office. If the conviction is later overturned as a result of any direct appeal or application for a writ of certiorari, the judge shall be immediately reinstated to the office from which he or she was suspended and shall be entitled to receive any compensation withheld under the provisions of this subsection. For the duration of any suspension under this subsection, the Governor shall appoint a replacement judge. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in the Georgia Constitution or the laws enacted in pursuance thereof.

C. Other Grounds. Except as provided in subsections (A) and (B) of this Rule, upon motion by the Investigative Panel and receipt of sufficient evidence demonstrating that a judge poses a substantial threat of serious harm to the public or to the administration of justice, which may include evidence that the judge has been charged with or convicted of a crime under circumstances not covered by subsection (A) or (B) of this Rule, the Supreme Court may

suspend the judge with pay or transfer the judge to incapacity inactive status with pay pending a final determination in any proceeding under these Rules.

D. Motion for Reconsideration. A judge suspended or transferred to incapacity inactive status under subsection (C) of this Rule may apply to the Supreme Court for reconsideration of the order. The Supreme Court may direct the Hearing Panel to conduct an expedited proceeding and make a recommendation on such motion for reconsideration.

E. Effect on Commission Action. Interim suspension of a judge shall not preclude action by the Commission on the same conduct that was the basis for a criminal charge. Acquittal, dismissal, or conviction of the criminal charge shall not preclude proceedings by the Commission on the conduct that was the basis for the charge. If a judge is suspended or transferred to interim inactive status pursuant to subsection (C) of this Rule the Commission shall expedite his or her disciplinary proceedings.

Commentary

[1] The procedures regarding a judge who is indicted for or convicted of a felony are established by Article VI, Section VII, Paragraph VII (b) and (c) of the Georgia Constitution of 1983, which are incorporated into subsections (A) and (B) of this Rule.

[2] In determining whether to proceed on a disciplinary complaint when criminal charges have been filed, the Director and the Investigative Panel should consider the effect that a disciplinary investigation might have on the criminal investigation. Where it is appropriate, the Director should consult with the criminal prosecutor or law enforcement authority before proceeding.

[3] If the judge is found not guilty or if the judge's conviction is reversed on appeal, the Supreme Court should review the order of interim suspension and either continue it under Rule 15 or vacate it. An acquittal or dismissal does not preclude proceedings by the Commission because the standard of proof for judicial discipline requires clear and convincing evidence, not proof beyond a reasonable doubt, and because the alleged conduct may constitute grounds for misconduct under Rule 6.A but not be a violation of the criminal laws.

[4] Certain alleged misconduct poses such an immediate threat to the public or the administration of justice that the judge should be suspended from the bench immediately, pending a final determination of the ultimate discipline to be imposed. Interim suspension is also appropriate when the judge's continuing conduct is causing or is likely to cause serious harm to the administration of justice.

[5] In such cases, it is appropriate for the Supreme Court to impose an interim suspension or transfer to incapacity status to maintain public confidence in the judiciary. See Rule 26 regarding cases in which a member of the Supreme Court is charged with a crime. Additional review of such an interim suspension or transfer to incapacity status may be provided on motion for reconsideration by the Supreme Court, which may first direct the Hearing Panel to conduct an expedited proceeding on the matter and to make a recommendation, particularly where development of a factual record is required.

Hawaii

Supreme Court Rules

8.12. Interim Sanctions

(a) Suspension for Felony. A judge shall be suspended with or without pay immediately by the supreme court without necessity of Commission action, upon the filing of an indictment or complaint charging him or her with a felony under state or federal law. Such suspension shall not preclude action by the Commission with respect to the conduct which was the basis for the felony charge, before or after a conviction, acquittal, or other disposition of the felony charge.

(b) Suspension for Misdemeanor. Conduct resulting in the filing of misdemeanor charges against a judge, if it adversely affects his or her ability to perform the duties of his or her office, may be grounds for immediate suspension with or without pay by the supreme court, without necessity of Commission action. A conviction, acquittal, or other disposition on a misdemeanor charge, shall not preclude action by the Commission with reference to the conduct upon which the charge was based.

(c) Misdemeanor Suspension Review. Any judge suspended under Rule 8.12(b) shall be given a prompt hearing and determination by the supreme court upon his or her application for review of the interim suspension order.

(d) Other Interim Suspension.

(1) Interim suspension, with or without pay, pending final decision as to ultimate discipline, may be ordered by the supreme court in any proceeding under these rules.

(2) Upon a determination by the Commission of a judge's incompetence, there shall be an immediate interim suspension, with or without pay, pending final disposition by the supreme court.

(e) Disability Suspension. A judge who claims that a physical or mental disability prevents his or her assisting in the preparation of a defense in a proceeding under these rules shall be placed on interim suspension, with or without pay. Once an interim suspension has been imposed, there shall be a determination of whether in fact there is such a disability. If there is such a disability, the judge shall be retired. If there is a finding of no disability, the disciplinary proceeding shall continue.

Idaho

Judicial Council General Rules of Procedure

Judicial Council Rule 36

(e) Temporary Suspension.

(1) Incident to a preliminary investigation or a formal proceeding conducted pursuant to these rules, the Council may, upon its determination that the continued service of the accused judge is causing immediate and substantial public harm or harm to himself or others, and an erosion of public confidence to the orderly administration of justice, and the accused judge's conduct appears to be violative of the Idaho Code of Judicial Conduct or the Constitution of Idaho, petition the Supreme Court for temporary paid suspension of the accused judge. Such petition shall be presented to the Supreme Court upon a majority vote of the members of the Council, and shall include one of the following:

(i) A certified copy of a judgment finding the accused judge guilty of a felony or other serious crime;

(ii) An Affidavit authorized by the Council and signed by the Secretary or other authorized member that the accused judge has been convicted of or has pled guilty or no contest to a

felony, or serious crime which shows conduct prejudicial to the administration of justice or brings judicial office into disrepute;

(iii) A court order or judgment declaring the accused judge to be incompetent or incapacitated; or

(iv) An Affidavit authorized by the Council and signed by the Secretary or other authorized member that immediate suspension of the accused judge is necessary pending disposition of:

1) An investigation by the Council for an alleged violation of the Idaho Code of Judicial Conduct, Rules of Professional Conduct, or a violation of a court rule, statute or other law;

2) A criminal complaint, information, or indictment that has been filed against the accused judge; or

3) A determination of the present competency or capacity of the accused judge.

(2) A judge suspended under the provisions of this rule may only be reinstated by the Supreme Court, in its discretion, after receipt of an Affidavit of the Council demonstrating that:

(i) If the suspension was for conviction of a crime, the underlying conviction has been reversed or dismissed and no further criminal or Council proceedings are pending against the accused judge;

(ii) If the suspension was imposed because of incompetency or incapacity, that such incapacity or incompetency no longer exists; and

(iii) That reinstatement of the accused judge will not result in a substantial loss of public confidence in the judiciary.

(3) Reinstatement after a temporary suspension pursuant to Paragraph (e) of this rule shall not terminate any Council proceedings pending against the accused judge.

(4) Upon notification to the Supreme Court by the Council that information regarding possible substance abuse warrants further review or investigation, an incumbent judge under investigation shall be placed on paid administrative leave pending completion of the investigation for a period not to exceed ninety (90) work days, unless otherwise ordered by the Supreme Court.

(f) Interim Relief.

(1) The Council may, upon its determination that the continued service of an accused judge is causing immediate and substantial public harm and an erosion of public confidence to the orderly administration of justice, and the accused judge's conduct appears to be violative of the Idaho Code of Judicial Conduct or the Constitution of Idaho, petition the Supreme Court for interim relief, including but not limited to reassignment of the accused judge. Such petition shall be presented to the Supreme Court upon a majority vote of the members of the Council and shall include an Affidavit of the Council that immediate interim relief is necessary pending disposition of:

(i) an investigation by the Council for an alleged violation of the Idaho Code of Judicial Conduct, Rules of Professional Conduct, or a violation of a court rule, statute or other law; or

(ii) a determination of the present competency or capacity of the accused judge.

(2) Interim relief granted against an accused judge under the provisions of Paragraph (f) of this rule may only be vacated by the Supreme Court, in its discretion, after receipt of an Affidavit of the Council demonstrating that:

- (i) if interim relief was imposed pursuant to Subparagraph (f)(1)(i) of this rule, that vacating such interim relief previously ordered against the accused judge will not result in a substantial loss of public confidence in the judiciary; or
 - (ii) if interim relief was imposed pursuant to Subparagraph (f)(1)(ii) of this rule, that the incompetency or incapacity no longer exists.
- (3) Vacating an interim relief order pursuant to Paragraph (f) of this rule shall not terminate any Council proceedings pending against the accused judge.

Indiana

Rules for Admission to the Bar and the Discipline of Attorneys

Rule 25 V. Interim Suspension.

- A. A judicial officer shall be suspended with pay by the Supreme Court without the necessity of action by the Commission upon the filing of an indictment or information charging the judicial officer in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States.
- B. A judicial officer shall be suspended with pay while there is pending before the Supreme Court a recommendation from the Commission for the retirement or removal of the judicial officer.
- C. Upon a finding of guilty, plea of guilty, or plea of no contest to a crime punishable as a felony under the laws of Indiana or the United States, or any crime that involves moral turpitude under the law, a judicial officer may be suspended without pay by the Supreme Court.
- D. A judicial officer may be suspended with pay by the Supreme Court without the necessity of action by the Commission upon the filing of an indictment or information charging the judicial officer with a misdemeanor which suggests conduct that adversely affects the ability to perform the duties of the judicial office. In the event the Supreme Court suspends a judicial officer under this provision without a hearing, the suspended judicial officer shall thereafter be permitted a hearing and review of the basis for the suspension.
- E. Upon petition by the Commission, the Supreme Court may impose, pending the disposition of formal charges, an interim suspension with pay if the Court deems the interim suspension necessary to protect public confidence in the integrity of the judiciary. This provision is applicable in proceedings involving the disability of the judge as well as proceedings involving discipline.

Kentucky

Rules of the Supreme Court

4.020 JURISDICTION

- (1) Commission shall have authority:
 - (a)(i) After notice and hearing, to order the temporary or permanent retirement of any judge whom it finds to be suffering from a mental or physical disability that seriously interferes with the performance of his/her duties; (ii) and to suspend temporarily from the performance of judicial duties, without affecting his/her compensation any judge against whom there is

pending in any court of the United States an indictment or information charging him/her with a crime punishable as a felony, or after notice and an opportunity to be heard, and upon a finding that it will be in the best interest of justice that the judge be suspended from acting in his/her official capacity as a judge until final adjudication of the complaint, any judge as to whom a preliminary investigation has been initiated under Rule 4.170.

Louisiana

Supreme Court Rules

RULE XXIII. THE JUDICIARY COMMISSION

Section 27. Interim Disqualification.

(a) Recommendation. The Judiciary Commission, without the necessity of a hearing, and upon determining that a judge who is subject to the jurisdiction of this Court:

- (1) has been indicted or charged with a serious crime under state or federal law; or
- (2) upon receiving substantial, credible evidence which establishes probable cause that a judge may have violated Article V, § 25(C) of the Constitution or may have committed a violation of the Code of Judicial Conduct and may pose a substantial threat of serious harm to the public or the administration of justice; may recommend to the Court that the judge be immediately disqualified from exercising any judicial function, pending further proceedings before the Judiciary Commission or the Court. For the purpose of this rule, the term “serious crime” means (i) any felony; or (ii) any other lesser crime that reflects adversely on the judge’s honesty, trustworthiness, or fitness as judge.

b) Evidence; service. The Judiciary Commission shall append to the recommendation it files with the Court the evidence and documents which, in its view, justify the interim disqualification. The recommendation for interim disqualification shall be personally served upon the respondent judge. Within seven days of service of the recommendation for interim disqualification, the respondent judge may file with the Court an opposition to the recommendation and append relevant rebuttal evidence. A copy of the opposition shall be filed with the Judiciary Commission. [amended effective September 4, 2019]

(c) Order. Upon consideration of the recommendation of interim disqualification and any opposition, the Supreme Court may enter an order pursuant to La. Const. Art. V, § 25(C) immediately disqualifying the judge from exercising any judicial function, pending final disposition of the disciplinary proceeding predicated upon the conduct causing the harm; deny the motion; or take any other action it considers appropriate.

(d) Confidentiality. In the event the recommendation for interim disqualification is filed before a matter has become public record under Section 23(a)(1) of this rule, the recommendation for interim disqualification shall be filed under seal. In the event the Court orders the interim disqualification of a judge, the Commission’s recommendation, any opposition, and the Order of Interim Disqualification shall be matters of public record, unless otherwise ordered by the Court. [Amended effective May 1, 2020]

(e) Dissolution of Interim Disqualification. A judge who has been disqualified pursuant to this section may move the Court for a dissolution of the order of disqualification upon a showing of relevant facts indicating a material change in circumstances relating to the Order of Interim Disqualification. A copy of the motion for dissolution shall be filed with the Judiciary

Commission. The Commission may file an opposition to the motion, or a concurrence in the motion, within seven days of filing. Following receipt of the response or expiration of the time period for receiving a response from the Commission, the Court shall consider and act upon the motion.

(f) Effect on later Commission or Court Action. Interim disqualification of a judge shall not preclude action by the Commission or the Court on the same conduct or charge that formed the basis for the interim disqualification. Acquittal, dismissal, or conviction of the criminal charge shall not preclude proceedings by the Commission or the Court on the conduct that formed the basis for the charge.

Any period of interim disqualification imposed under this section shall not be applied to reduce any period of suspension which may ultimately be imposed by the Court, unless the Court so directs in its final order imposing discipline.

(g) Interim Disqualification by Consent. A judge against whom any crime has been charged, or against whom allegations of misconduct have been or may be made, may at any time move the Court to enter an order of interim disqualification from the exercise of judicial functions, with or without pay, pending final disposition of judicial disciplinary proceedings. A copy of the motion shall be filed with the Judiciary Commission. The Commission may file a concurrence or other response with the Court within seven days of the filing. Thereafter, the Court shall consider and act upon the motion.

(h) Expedited. Disciplinary proceedings involving judges who have been disqualified from exercising any judicial function under this Section, shall be expedited and shall be resolved by the Commission within six months, unless good cause is shown. It shall not be a violation of Section 23 for the Commission to notify the Court, by filing an informational pleading under seal in the matter, that good cause has been established which may delay the proceedings of a matter brought under this Section. [added effective September 4, 2019]

Michigan

Court Rules

Rule 9.225 Interim Suspension

(A) Petition.

(1) With the filing of a complaint, the commission may petition the Supreme Court for an order suspending a respondent from acting as a judge until final adjudication of the complaint.

(2) In extraordinary circumstances, the commission may petition the Supreme Court for an order suspending a respondent from acting as a judge in response to a request for investigation, pending a decision by the commission regarding the filing of a complaint. In such a circumstance, the documents filed with the Court must be kept under seal unless the petition is granted. Conviction of a felony is grounds for automatic interim suspension, with or without pay, pending action by the commission. If the respondent is suspended without pay, the respondent's pay shall be held in escrow pending the final resolution of disciplinary proceedings.

Whenever a petition for interim suspension is granted, the processing of the case shall be expedited in the commission and in the Supreme Court. The commission shall set forth in the petition an approximate date for submitting a final recommendation to the Court.

(3) Notwithstanding any other provision of this rule, in a matter in which a respondent poses a substantial threat of serious harm to the public or to the administration of justice, the commission may petition the Supreme Court for an order suspending a respondent from acting as a judge without pay in response to a request for investigation, pending a decision by the commission regarding the issuance of a complaint. The respondent's pay shall be held in escrow pending the final resolution of disciplinary proceedings.

Whenever a petition for interim suspension is granted, the processing of the case shall be expedited in the commission and in the Supreme Court. The commission shall set forth in the petition an approximate date for submitting a final recommendation to the Court.

(B) Contents; Affidavit or Transcript. The petition must be accompanied by a sworn affidavit or court transcript and state facts in support of the allegations and the assertion that immediate suspension is necessary for the proper administration of justice.

(C) Service; Answer. A copy of the petition and supporting documents must be served on the respondent, who may file an answer to the petition within 14 days after service of the petition, unless the commission has filed a motion for immediate consideration. The commission must be served with a copy of the answer.

Minnesota

Rules of Board on Judicial Standards

Rule 15. Interim Suspension

(a) Pending Criminal Prosecution. The Supreme Court may, without the necessity of board action, suspend a judge with pay upon the filing of an indictment or complaint charging the judge with a crime punishable as a felony under state or federal law. The Supreme Court may suspend the pay of such judge upon a conviction of a crime punishable as a felony under state or federal law or any other crime involving moral turpitude. If the conviction is reversed, suspension terminates and the judge shall be paid the salary for the period of suspension.

(b) Pending Final Decision. Interim suspension, with pay, pending final decision as to ultimate discipline, may be ordered by the Supreme Court in any proceeding under these rules.

(c) Review of Interim Suspension. Any judge suspended under section (b) of this rule shall be given a prompt hearing and determination by the Supreme Court upon application for review of the interim suspension order.

Mississippi

Constitution Art. 6, § 177A. Commission on Judicial Performance

The commission may, with two-thirds (2/3) of the members concurring, recommend to the supreme court the temporary suspension of any justice or judge against whom formal charges are pending.

Missouri

Commission on Retirement, Removal and Discipline Rules

12.06. Disqualification of Judge While Indictment or Information Pending

A judge is disqualified from acting as a judicial officer while there is pending an indictment or information charging him in any court in the United States with a crime punishable as a felony under the laws of Missouri or the United States, or a recommendation to this Court by the Commission for his removal or retirement, or after articles of impeachment have been voted by the House of Representatives. A judge so disqualified shall continue to receive his salary.

Montana

Montana Code Annotated

3-1-1109. Interim disqualification of judicial officer.

(1) A judicial officer must be disqualified from serving as a judicial officer, without loss of salary, while there is pending an indictment or an information charging the officer with a crime punishable as a felony under Montana or federal law.

(2) When the commission files with the supreme court a recommendation that a judicial officer be removed or retired, the judicial officer must be disqualified from serving as a judicial officer, without loss of salary, pending the supreme court's review of the record and proceedings.

Nebraska

Article V, section 30(3)

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

Nevada

NRS 1.4675

Circumstances under which a judge may be suspended with or without pay; hearing; appeal.

1. The Commission shall suspend a judge from the exercise of office with salary:

(a) While there is pending an indictment or information charging the judge with a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States; or

(b) When the judge has been adjudged mentally incompetent or insane.

2. The Commission may suspend a judge from the exercise of office without salary if the judge:

(a) Pleads guilty, guilty but mentally ill or no contest to a charge of; or

(b) Is found guilty or guilty but mentally ill of, a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States. If the conviction is later reversed, the judge must be paid his or her salary for the period of suspension.

3. In addition to the grounds set forth in subsection 2, the Commission may suspend a judge from the exercise of office without salary if the Commission determines that the judge:

- (a) Has committed serious and repeated willful misconduct;
- (b) Has willfully or persistently failed to perform the duties of office; or
- (c) Is habitually intemperate, and the Commission determines that the circumstances surrounding such conduct, including, without limitation, any mitigating factors, merit disciplinary action more severe than censure but less severe than removal.

4. During any stage of a disciplinary proceeding, the Commission may suspend the judge from the exercise of office with salary pending a final disposition of the complaint if the Commission determines, by a preponderance of the evidence, that the judge poses a substantial threat of serious harm to the public or to the administration of justice.

5. The Commission shall give the judge 7 days' notice of its intention to suspend the judge pursuant to this section and shall give the judge an opportunity to respond. The Commission shall hold a public hearing before ordering such a suspension, unless the judge waives the right to the hearing. The decision of the Commission must be made public.

6. A judge suspended pursuant to this section may appeal the suspension to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution. If a judge appeals such a suspension:

- (a) The standard of review for such an appeal is an abuse of discretion standard; and
- (b) The proceedings held at the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court concerning the suspension must be open to the public.

7. Within 60 days after a decision by the Commission to suspend a judge pursuant to this section, the Commission shall:

- (a) Have a formal statement of charges filed against the judge;
- (b) Rescind the suspension; or
- (c) Enter into a deferred discipline agreement with the judge pursuant to NRS 1.468.

8. The Commission may suspend a judge pursuant to this section only in accordance with its procedural rules.

New Jersey

New Jersey Court Rule

Rule 2:15-17. Action by the Supreme Court

(a) Temporary Suspension. The Supreme Court may order the immediate temporary suspension of a judge of the Superior Court, Tax Court, Municipal Court, or Surrogate's Court, with or without pay, from his or her judicial office or from the exercise of his or her judicial duties if the Court finds probable cause to conclude that the judge has violated the Code of Judicial Conduct, case law, or other authority and that the judge's continued service while proceedings are pending before the Committee poses a substantial threat of serious harm to the administration of justice.

New Mexico

Judicial Standard Commission Rules

RULE 24. IMMEDIATE TEMPORARY SUSPENSION AND OTHER INTERIM RELIEF.

The Commission may petition the Supreme Court for immediate temporary suspension as follows:

A. Good Cause. If a complaint alleges or an investigation reveals that:

(1) Continued service of a judge is causing:

(a) Immediate and substantial harm to the public, to those with whom the judge interacts in an official capacity, or to the orderly administration of justice; and/or (b) Erosion of public confidence in the independence, integrity or impartiality of the judiciary, or in the orderly administration of justice.

(2) Other good cause exists; and that the judge's conduct may violate the Code or otherwise may be grounds for discipline, removal, or retirement.

B. Petition. The Commission may petition the Supreme Court for immediate temporary suspension of the judge with or without pay or for other interim relief. The petition shall be filed under seal and shall set forth in full the factual and legal bases for the Supreme Court to issue a summary order, and shall contain all documents and other evidence supporting the allegations of the petition. The petition and accompanying evidence of factual and legal grounds shall, as appropriate, comply with the Supreme Court Rules Governing Review of Judicial Standards Commission Proceedings.

C. Service. The judge shall promptly be served with a copy of the petition.

D. Grounds Not Continuing. If, after filing of the petition, the grounds for an immediate temporary suspension or other interim relief no longer exist, the Commission shall promptly notify the Supreme Court and the judge.

E. Proceedings Continue. Proceedings before the Commission shall continue during any period of suspension or other interim relief, and following any subsequent reinstatement of a judge or vacation of other interim relief.

New York

Judiciary Law

ARTICLE 2-A. STATE COMMISSION ON JUDICIAL CONDUCT

8.(a) The court of appeals may suspend a judge or justice from exercising the powers of his office while there is pending a determination by the commission for his removal or retirement, or while he is charged in this state with a felony by an indictment or an information filed pursuant to section six of article one of the constitution. The suspension shall continue upon conviction and, if the conviction becomes final, he shall be removed from office. The suspension shall be terminated upon reversal of the conviction and dismissal of the accusatory instrument.

(b) Upon the recommendation of the commission or on its own motion, the court may suspend a judge or justice from office when he is charged with a crime punishable as a felony under the laws of this state, or any other crime which involves moral turpitude. The suspension shall continue upon conviction and, if the conviction becomes final, he shall be removed from office.

The suspension shall be terminated upon reversal of the conviction and dismissal of the accusatory instrument.

(c) A judge or justice who is suspended from office by the court shall receive his judicial salary during such period of suspension, unless the court directs otherwise. If the court has so directed and such suspension is thereafter terminated, the court may direct that he shall be paid his salary for such period of suspension.

(d) Nothing in this subdivision shall prevent the commission from determining that a judge or justice be admonished, censured, removed, or retired pursuant to subdivision seven of this section.

North Carolina

Rules of the Judicial Standards Commission

Rule 12(e) Interim Suspension During Disciplinary or Disability

Proceedings. At any time following the conclusion of a formal investigation, if the investigative panel finds by clear and convincing evidence that a judge has (1) been charged with a felony under state or federal law, or (2) engaged in serious misconduct that poses an ongoing threat of substantial harm to public confidence in the judiciary or to the administration of justice, then the investigative panel may, upon the affirmative vote of at least 5 members, direct the Chairperson to recommend that the Chief Justice temporarily suspend the judge from the performance of his or her judicial duties with pay pending final disposition of the proceedings. A copy of the recommendation of interim suspension shall be provided to the judge by Certified Mail, return receipt requested, or as otherwise agreed to in writing by the judge. At any time after an interim suspension is issued, the judge shall have the right to submit written objections to the Commission. The Executive Director shall provide the judge's objections to the Chief Justice, along with the Commission's response. The Executive Director shall also provide a copy of the Commission's response to the judge.

North Dakota

North Dakota Century Code

27-23-03. Other powers.

1. A judge is disqualified from acting as a judge, without loss of salary, while there is pending:

- a. An indictment or an information charging the judge in the United States with a crime punishable as a felony under North Dakota or federal law; or
- b. A recommendation submitted by the commission to the supreme court for the judge's removal or retirement.

2. On recommendation of the commission or on its own motion, the supreme court may suspend a judge from office without salary when, in the United States, the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under North Dakota or federal law or of any other crime that involves moral turpitude under that law. If the judge's conviction is reversed, suspension terminates and the judge must be paid the salary for the period of

suspension. If the judge is suspended and the conviction becomes final, the supreme court shall remove the judge from office.

Ohio

Supreme Court Rules for the Government of the Judiciary of Ohio

RULE III. Disability Retirement, Removal, or Suspension of Judges.

Section 6. Disqualification or Suspension without Pay; Criminal Charge or Conviction.

(A) A justice or judge is disqualified from acting as a justice or judge while there is pending an indictment or an information charging the Justice or judge with a crime punishable as a felony under state or federal law.

(B) A justice or judge shall be suspended from judicial office without pay if the justice or judge pleads guilty or no contest to or is found guilty of a crime punishable as a felony under state or federal law.

(C)(1) The judge presiding over a case that satisfies the circumstances described in division (B) of this section shall prepare a certified notice of a verdict of guilty, a judicial finding of guilt, or a guilty or no contest plea. The judge shall transmit the certified notice to the director of the Board of Professional Conduct and to the Office of Disciplinary Counsel. Upon receipt from any source of the certified notice, the director promptly shall submit the certified notice to the Supreme Court. The director shall submit the certified notice regardless of the pendency of an appeal.

(2) Upon receipt of the certified notice, the Supreme Court shall enter an order immediately suspending the Justice or judge from judicial office without pay pending further proceedings pursuant to these rules. There shall be no appeal of a suspension from judicial office without pay imposed pursuant to this section.

(D) Suspension of a Justice or judge from judicial office without pay shall remain in effect until any of the following occurs:

(1) The conviction resulting from a plea of guilty or no contest, verdict of guilty, or judicial finding of guilt is reversed;

(2) A final decision on a complaint filed pursuant to Section 1 of this rule is issued by a five-judge commission appointed pursuant to Section 2 of this rule or by the Supreme Court;

(3) A disciplinary order is entered by the Supreme Court pursuant to Rule V of the Rules for the Government of the Bar of Ohio that suspends or disbars the Justice or judge from the practice of law;

(4) A final order is issued by a court removing the Justice or judge from judicial office.

Oklahoma

Rules of the Court on the Judiciary

Chapter 1, App. 7

Trial Division

Rule 10. Temporary Suspension.

If the verified petition requests suspension of respondent from the exercise of office during pendency of the proceedings for removal or compulsory retirement there must be alleged in the petition facts showing an existing emergency justifying the Trial Division in temporarily suspending respondent from office.

Upon the filing of a verified petition requesting temporary suspension, the presiding judge shall issue notice to respondent that on or before a designated date the respondent may file in writing in the case either:

- (1) A voluntary temporary suspension from the exercise of all functions of the office without loss of benefits, or
- (2) A verified response to the request for temporary suspension to which any exhibits and affidavits may be attached.

If a written voluntary temporary suspension is not filed within the time set in the notice served on respondent the court shall meet on order of the presiding judge to determine from the petition and response, if any filed, whether in its discretion the respondent should be suspended from office during the pendency of the proceedings.

If the court determines that the matter should not be decided until after a hearing, then a hearing will be ordered and held to determine if respondent should be temporarily suspended. The burden of proof at such hearing shall be upon the prosecution and the respondent may raise any proper issue.

If the court issues an order for temporary suspension it may be complete and total suspension from office and all benefits, or a limited suspension from the exercise of all or certain functions of the office, with or without the right to receive all or part of the benefits.

Oregon

Title 1, chapter 1.420(5)

The Supreme Court by order may temporarily suspend a judge whose conduct is the subject of proceedings under this section from exercising any judicial functions during the pendency of those proceedings.

Pennsylvania

Judicial Conduct Board Rules of Procedure

CHAPTER 3

Interim Suspension; Special Note to Supreme Court Or Court of Judicial Discipline

Rule 13: Interim Suspension

(A) The Board may direct Chief Counsel to file with the Court a motion for the interim suspension of a Judicial Officer, with or without pay, following the filing of a Board Complaint or when an indictment or information charging the Judicial Officer with a felony has been filed.

(B) The motion for interim suspension shall be promptly served upon the Judicial Officer and the matter shall proceed as provided in the rules of procedure governing the Court of Judicial Discipline.

Rhode Island

Rhode Island General Laws

§8-16-6.1 Suspension of judge pending review.

Whenever the supreme court reviews a commission recommendation for the suspension, immediate temporary suspension, removal, or retirement of a judge other than a justice of the supreme court, the commission may, in its discretion, order the suspension of the judge pending the completion of the review. The suspension shall be without loss of compensation.

§8-16-8 Discipline of judges upon indictment or conviction for a crime.

(a) The supreme court on its own motion shall suspend, pending the prosecution of an appeal, any judge of any court when it is shown by the certified record of a court of competent jurisdiction that he or she either pleaded guilty or no contest or was found guilty of a crime punishable as a felony under the laws of this state, any other state, or the United States, or of any other crime that involves moral turpitude. The suspension shall be without compensation, except where the judge involved is a justice of the supreme court. Whenever, upon appeal, the conviction is reversed, the suspension shall terminate and the judge involved shall be paid the salary that would have been paid him or her during the period of suspension.

(b) Where, after an appeal, a conviction has become final, the judge involved shall be removed from office either by the supreme court in appropriate cases or, in the case of a justice of the supreme court, by action pursuant to the provisions of § 8-16-7(b).

(c) A judge is hereby disqualified and prohibited from performing his or her judicial duties while there is pending against him or her an indictment charging him or her with the commission of a crime punishable as a felony under the laws of this state, any other state, or the United States. The suspension shall be without loss of compensation.

South Carolina

Rule 502 - Rules for Judicial Disciplinary Enforcement

Rule 17 - Interim Suspension

(a) Criminal Prosecution or Conviction for a Serious Crime. Without the necessity of Commission action, the Supreme Court may place a judge on interim suspension upon notice of the filing of an indictment, information, or complaint charging the judge with a serious crime, and shall immediately place a judge on interim suspension on receipt of a certified copy of a judgment of conviction or other competent evidence showing that the judge has been

convicted of a serious crime. The fact that sentencing may be delayed or an appeal may be taken shall not prevent the Supreme Court from imposing an interim suspension.

(b) Other Misconduct. Upon receipt of sufficient evidence demonstrating that a judge poses a substantial threat of serious harm to the public or to the administration of justice, the Supreme Court may place the judge on interim suspension pending a final determination in any proceeding under these rules.

(c) Failure to Respond to Notice of Investigation, Subpoena, or Notice of Appearance. Upon receipt of sufficient evidence demonstrating that a judge has failed to fully respond to a notice of investigation, has failed to fully comply with a proper subpoena issued in connection with an investigation or formal charges, has failed to appear at and fully respond to inquiries at an appearance required pursuant to Rule 19(c)(3), or has failed to respond to inquiries or directives of the Commission or the Supreme Court, including failing to appear at a hearing in formal proceedings pursuant to Rule 24(b), the Supreme Court may place that judge on interim suspension.

(d) Motion for Reconsideration. A judge placed on interim suspension may apply to the Supreme Court for reconsideration of the order. A copy of the motion shall be filed with the Commission and served on disciplinary counsel. Any additional filings by the judge or disciplinary counsel shall be made only upon request by the Supreme Court.

(e) Order to be Public. The order of interim suspension shall be public.

South Dakota

South Dakota Codified Laws

16-1A-10. Status of judge pending criminal, removal or retirement proceedings.

A judge is disqualified from acting as a judge, but shall suffer no loss of salary, while there is pending an indictment or an information charging him with a crime punishable as a felony under South Dakota or federal law, or a recommendation to the Supreme Court by the commission for his removal or retirement.

RULES OF PROCEDURE OF THE JUDICIAL QUALIFICATIONS COMMISSION

11. Interim Suspension.

Upon the issuance of a written notice and complaint to a judge, or at any time thereafter, the commission may, in its discretion, issue its order directed to the judge ordering the judge to appear before the commission and show cause why the commission should not recommend to the Supreme Court that the judge be suspended from office, with compensation, while the matter is pending. The order to show cause shall be returnable before the commission at a designated place and at a time certain, at which place and time the commission shall consider the question of suspension. Thereafter, the commission, with not less than five members concurring, may recommend to the Supreme Court that the judge be suspended from performing the duties of that judge's office pending final determination of the inquiry. If the commission recommends suspension, such recommendation shall be submitted to the Supreme Court along with a record of the proceedings of the commission in relation to that recommendation.

Tennessee

Tennessee Code

17-5-304. Preliminary investigation.

(f) Upon the filing of an indictment, presentment or information charging a judge with a felony under the law of any state or under federal law, the court may immediately place the judge on interim suspension.

Texas

Procedural Rules for the Removal or Retirement of Judges

Rule 15. Suspension of a Judge

(a) Any judge may be suspended from office with or without pay by the Commission immediately upon being indicted by a state or federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. However, the suspended judge has the right to a post-suspension hearing to demonstrate that continued service would not jeopardize the interests of parties involved in court proceedings over which the judge would preside nor impair public confidence in the judiciary. A written request for a post-suspension hearing must be filed with the Commission within 30 days from receipt of the Order of Suspension. Within 30 days from the receipt of a request, a hearing will be scheduled before one or more members or the executive director of the Commission as designated by the Chairperson of the Commission. The person or persons designated will report findings and make recommendations, and within 60 days from the close of the hearing, the Commission shall notify the judge whether the suspension will be continued, terminated, or modified.

(b) Upon the filing with the Commission of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission (under Rule 6), may recommend to the Supreme Court the suspension of such person from office.

(c) When the Commission or the Supreme Court orders the suspension of a judge or justice, with or without pay, the appropriate city, county, and/or state officials shall be notified of such suspension by certified copy of such order.

Utah

Utah Code, Chapter 8

§78-8-104. Criminal investigation of a judge -- Administrative leave.

(1)(a) If the commission, during the course of its investigation into an allegation of judicial misconduct, receives information upon which a reasonable person might conclude that a misdemeanor or felony under state or federal law has been committed by a judge other than

the chief justice of the Supreme Court, the commission shall immediately refer the allegation and any information relevant to the potential criminal violation to the chief justice of the Supreme Court.

(b) The chief justice of the Supreme Court may place a justice of the Supreme Court, an appellate court judge, district court judge, active senior judge, juvenile court judge, justice court judge, active senior justice court judge, or judge pro tempore on administrative leave with or without pay if the chief justice has a reasonable basis to believe that the alleged crime occurred, that a justice of the Supreme Court, an appellate court judge, district court judge, active senior judge, juvenile court judge, justice court judge, active senior justice court judge, or judge pro tempore committed the crime, and that crime was either a felony or a misdemeanor which conduct may be prejudicial to the administration of justice or which brings a judicial office into disrepute.

(2)(a) If the commission, during the course of its investigation into an allegation of judicial misconduct, receives information upon which a reasonable person might conclude that a misdemeanor or felony under state or federal law has been committed by the chief justice of the Supreme Court, the commission shall immediately refer the allegation and any information relevant to the potential criminal violation to two justices of the Supreme Court.

(b) Two justices of the Supreme Court may place the chief justice of the Supreme Court on administrative leave with or without pay if the two justices have a reasonable basis to believe that the alleged crime occurred, that the chief justice committed the crime, and that the crime was either a felony or a misdemeanor which conduct may be prejudicial to the administration of justice or which brings a judicial office into disrepute.

(3)(a) If a judge is or has been criminally charged or indicted for a class A misdemeanor or any felony under state or federal law and if the Supreme Court has not already acted under Subsection (1) or (2), the appropriate member or members of the Supreme Court as provided in Subsection (1) or (2), shall place the judge on administrative leave with or without pay pending the outcome of the criminal proceeding.

(b) The administrator of the courts shall, for the duration of the administrative leave, withhold all employer and employee contributions required under Sections 49-17-301 and 49-18-301.

(c) If the judge is not convicted of the criminal charge, and if after an investigation and final disposition of the case by the Judicial Conduct Commission, the judge is reinstated by the Supreme Court as provided in Subsection (4), then the judge shall be paid the salary or compensation for the period of administrative leave, and all contributions withheld under Subsection (3)(b) shall be deposited in accordance with Sections 49-17-301 and 49-18-301.

(4) The chief justice of the Supreme Court or two justices of the Supreme Court who ordered the judge on administrative leave shall order the reinstatement of the judge:

(a) if the prosecutor to whom the allegations are referred by the commission as required under Section 78-8-107, determines no charge or indictment should be filed; or

(b) after final disposition of the criminal case, if the judge is not convicted of a criminal charge and if the commission has not ordered the removal of the judge.

Vermont

Rules of Supreme Court for Disciplinary Control of Judges

RULE 5. TEMPORARY SUSPENSION

(1) Without recourse to the Board, the Supreme Court may suspend a judge from acting in any judicial capacity, without loss of compensation, when there is pending an indictment or information charging the judge with a crime punishable under the laws of the United States or any state, as a felony, or as a misdemeanor which adversely affects the judge's ability to perform the duties of office, or when the Board has recommended suspension for misconduct or disability while review is pending in the Supreme Court.

(2) The Supreme Court shall suspend a judge from acting in any judicial capacity, without compensation, when a judge is found guilty of a crime punishable under the laws of the United States or any state, as a felony, or as a misdemeanor which adversely affects the judge's ability to perform the duties of office. If the judgment of conviction is reversed, suspension terminates and the judge shall be paid his or her compensation for the period of suspension. If a judge is temporarily suspended and the judgment of conviction becomes final, the Supreme Court shall suspend the judge for the remainder of the term of office, without compensation.

(3) The Supreme Court shall suspend a judge from acting in any judicial capacity, without loss of compensation, when the judge claims that a physical or mental disability prevents assisting in the preparation of the defense to a formal charge.

(4) Without recourse to the Board, the Supreme Court may suspend temporarily a judge from acting in any judicial capacity, when the judge's physical or mental disability prevents the judge from fulfilling the duties of the office. The Court may base its order upon the consent of the judge, the judge's acceptance of disability insurance payments, reports from one or more physicians, or such other stipulations, documents or evidence as it deems appropriate. The suspension shall be without compensation for such periods as the judge receives disability insurance payments.

(5) Upon the recommendation of the Board, or on its own motion, the Supreme Court may suspend a judge, without loss of compensation, based upon sufficient evidence that the judge poses a substantial threat of serious harm to the public or to the administration of justice, pending final determination of any proceeding under these rules.

(6) The Administrative Judge for Trial Courts may suspend a judge pending an investigation of misconduct. The suspension shall terminate within 30 days of the effective date of the suspension unless a complaint is filed with the Board, and shall terminate within 60 days of the filing of the complaint unless the Supreme Court, upon the recommendation of the Board or on its own motion, orders the suspension to remain in effect pending final disposition of the complaint.

Virginia

Code of Virginia §17.1-911

Suspension of judge

A. In any pending investigation or formal hearing, the Commission may suspend a judge with pay if it finds that there is probable cause to believe that the continued performance of judicial duties by the judge constitutes both a substantial and immediate threat to the public interest in the administration of justice.

B. The Commission shall give the judge reasonable notice of such suspension as prescribed by the rules of the Commission and, if requested by the judge or his attorney, shall schedule a hearing during the first fifteen days of the suspension in order to determine whether justice would be served for the suspension to continue until the completion of the investigation or formal hearing.

C. Any judge whose powers are suspended by the Commission shall not exercise judicial powers during such suspension, but shall continue to be bound by the Canons of Judicial Conduct.

Rules of the Judicial Inquiry and Review Commission

Rule 3 Temporary Suspension / Mental and Physical Examination:

1. In any pending investigation or formal hearing, the Commission may suspend a judge with pay pursuant to Va. Code § 17.1-911.

2. Whenever the Commission has probable cause to believe that a judge is unable to perform his duties because of excessive use of alcohol or drugs or physical or mental illness, the Commission may direct a physical or mental examination pursuant to Va. Code § 17.1-912.

Washington

State Constitution - Article IV, §31

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

West Virginia

Rules of Judicial Disciplinary Procedure

RULE 2.14. EXTRAORDINARY PROCEEDINGS.

(a) When the Administrative Director of the Courts has received information that a judge (1) has been convicted of a serious offense, (2) has been indicted or otherwise charged with a serious offense, (3) has engaged or is currently engaging in a serious violation of the Code of Judicial Conduct, or (4) has become unable or unwilling to perform official duties, the Administrative Director may file a complaint with Disciplinary Counsel.

(b) Upon receipt of such complaint, Disciplinary Counsel shall conduct an immediate investigation and shall within ten days present to the Chief Justice of the Supreme Court a report indicating whether, in the opinion of Disciplinary Counsel, the integrity of the legal system has been placed into question by virtue of a judge's (1) having been convicted of a serious offense; (2) having been indicted or otherwise charged with a serious offense; (3) having engaged in or currently engaging in a serious violation of the Code of Judicial Conduct; or (4) inability or unwillingness to perform official duties. The Office of Disciplinary Counsel shall attempt to provide reasonable notice to the judge prior to the filing of this report.

(c) Upon receipt of the report, from the Chief Justice, the Supreme Court shall determine whether probable cause exists. A finding of probable cause hereunder shall be in lieu of a probable cause finding made pursuant to Rule 2.7(c). If it is determined that probable cause exists, the Court may:

- (1) direct the Disciplinary Counsel to file formal charges with the Clerk of the Supreme Court; and,
- (2) provide notice to the judge of a right to a hearing on the issue of temporary suspension, said hearing to be in not less than 30 days; with the judge provided notice of the hearing in not less than 20 days before the proceeding; or
- (3) in the alternative, remand the complaint for proceedings pursuant to Rules 2.7(d) and Rule 4.

(d) (1) If the judge has been convicted of a serious offense or has been indicted or otherwise charged with a serious offense, the Chief Justice may order that the judge not hear any further civil or criminal matters or perform other judicial functions while the matter is pending, with or without pay.

(2) If the Court finds probable cause pursuant to Rule 2.14(c) to believe that a judge has engaged or is currently engaging in a serious violation of the Code of Judicial Conduct or has become unable or unwilling to perform official duties, the Court may direct that the judge not hear any further civil or criminal matters or perform other judicial functions while the matter is pending, with or without pay.

(3) The provisions set forth in paragraph (d)(1) shall be construed as separate and in addition to the provisions of paragraph (c), above. Further, the provisions of paragraph (d)(1) shall be applicable only where a judge has been convicted of a serious offense or indicted or otherwise charged with a serious offense.

(e) After the hearing on the issue of suspension, the Court may temporarily suspend the judge with or without pay while the matter is pending before the Judicial Hearing Board and until the Court has disposed of the formal charges.

Wisconsin

Wisconsin Code

757.95 Temporary suspension by supreme court. The supreme court may, following the filing of a formal complaint or a petition by the commission, prohibit a judge or circuit or supplemental court commissioner from exercising the powers of a judge or circuit or supplemental court commissioner pending final determination of the proceedings.

Wyoming

Rules Governing the Commission on Judicial Conduct & Ethics

Rule 3(b) Temporary discipline or interim suspension. If there is probable cause to believe the judge poses an imminent threat of substantial harm to the public or any other person or any entity, a panel may order such temporary discipline or interim suspension as may be appropriate under the circumstances. Any such order shall set forth the full factual basis for the temporary discipline or interim suspension and shall be effective immediately upon issuance. The order shall be served upon the judge or upon the attorney for the judge as provided for by these rules. The judge shall have 20 days from the date of service of the order to request modification or dismissal of the order. The request and factual basis for modification or dismissal of the order shall be verified, in writing, and served upon the panel issuing the order via the executive director.