A JOINT RESOLUTION

Proposing AN AMENDMENT to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline, and providing for financial disclosure.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 17 of Article V be amended to read:

§ 17. Prohibited activities and financial disclosure.

(a) Justices and judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of
the United States or the Commonwealth.

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary and expenses provided by law.

(d) No duties shall be imposed by law upon the Supreme Court or any of the justices thereof or the Superior Court or any of the judges thereof, except such as are judicial, nor shall any of them exercise any power of appointment except as provided in this Constitution.

(e) The Supreme Court shall promulgate financial disclosure requirements for all justices, judges, justices of the peace and other officers or employees of the unified judicial system which shall provide for no less financial disclosure than provided by law for members of the General Assembly. In addition, such disclosure shall include that information deemed necessary for the fair and impartial administration of justice. These requirements shall prohibit any justice, judge, justice of the peace or other officer or employee of the system from taking the oath of office or entering or continuing upon his or her duties or receiving compensation from public funds unless he or she has complied with such financial disclosure requirements.

(2) That section 18 of Article V be amended to read:
(a) There shall be a Judicial Inquiry and Review Board having nine members as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.

§ 18. Judicial Conduct Board.

(a) There shall be a Judicial Conduct Board within the executive branch, which shall be composed of a total of 11 members as follows: two active judges of the court of common pleas appointed by the Supreme Court, one active judge of an appellate court appointed by the Supreme Court, one active justice of the peace appointed by the Supreme Court, two non-judge members of the bar of the Supreme Court appointed by the Governor and five non-lawyer electors appointed by the Governor. All members of the Judicial Conduct Board shall be appointed by the respective appointing authority, with the advice and consent of a majority of the members elected to the Senate in conformance with the provisions of section 8 of Article IV of this Constitution.

(b) Except for the initial appointees whose terms shall be provided by the schedule to this amendment, the members shall serve for terms of four years, provided that a member, rather than his or her successor, shall continue to participate in any hearing in progress at the end of [his term.] this term. All members shall be residents of this Commonwealth, and no more than six of the 11 members shall be registered in the same political party. Judicial Conduct Board membership by a judge shall terminate if the member ceases to hold the judicial...
position that qualified him or her for the appointment.

Membership shall also terminate if a member attains a position
that would have rendered him or her ineligible for appointment
at the time of the appointment. A vacancy on the board shall be
filled by the respective appointing authority for the balance of
the term. The [respective appointing authority may remove a]
Governor may remove any member only for cause. No member shall
serve more than four consecutive years[; he] but may be
reappointed after a lapse of one year. [Annually] The Governor
shall convene the board for its first meeting, and, at that
meeting and annually thereafter, the members of the board shall
elect a chairman. The board shall act only with the concurrence
of a majority of its members.

(e) [A member shall not] No member of the Judicial Conduct
Board, during his or her term of service, shall hold office in a
political party or political organization. [Members, other than
judges, shall be compensated for their services as the Supreme
Court shall prescribe.] Except for a judicial member, no member
of the Judicial Conduct Board, during his or her term of
service, shall hold a public office or public appointment,
compensated or uncompensated. All members shall be reimbursed
for expenses necessarily incurred in the discharge of their
official duties.

(d) Under the procedure prescribed herein, any justice or
judge may be suspended, removed from office or otherwise
disciplined for violation of section 17 of this article,
misconduct in office, neglect of duty, failure to perform his
duties, or conduct which prejudices the proper administration of
justice or brings the judicial office into disrepute, and may be
retired for disability seriously interfering with the
performance of his duties.

(e) The board shall keep informed as to matters relating to
grounds for suspension, removal, discipline, or compulsory
retirement of justices or judges. It shall receive complaints or
reports, formal or informal, from any source pertaining to such
matters, and shall make such preliminary investigations as it
deems necessary.

(f) The board, after such investigation, may order a hearing
concerning the suspension, removal, discipline or compulsory
retirement of a justice or judge. The board's orders for
attendance of or testimony by witnesses or for the production of
documents at any hearing or investigation shall be enforceable
by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor,
it shall recommend to the Supreme Court the suspension, removal,
discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's
proceedings on the law and facts and may permit the introduction
of additional evidence. It shall order suspension, removal,
discipline or compulsory retirement, or wholly reject the
recommendation, as it finds just and proper. Upon an order for
compulsory retirement, the justice or judge shall be retired
with the same rights and privileges were he retired under
section 16 of this article. Upon an order for suspension or
removal, the justice or judge shall be suspended or removed from
office, and his salary shall cease from the date of such order.

All papers filed with and proceedings before the board shall be
confidential but upon being filed by the board in the Supreme
Court, the record shall lose its confidential character. The
filing of papers with and the giving of testimony before the
board shall be privileged.

   (i) No justice or judge shall participate as a member of the
board or of the Supreme Court in any proceeding involving his
suspension, removal, discipline or compulsory retirement.

   (j) The Supreme Court shall prescribe rules of procedure
under this section.

   (k) The Supreme Court shall prescribe rules of procedure for
the suspension, removal, discipline and compulsory retirement of
justices of the peace.

   (l) A justice, judge or justice of the peace convicted of
misbehavior in office by a court, disbarred as a member of the
bar of the Supreme Court or removed under this section 18 shall
forfeit automatically his judicial office and thereafter be
ineligible for judicial office.

   (m) A justice or judge who shall file for nomination for or
election to any public office other than a judicial office shall
forfeit automatically his judicial office.

   (n) This section is in addition to and not in substitution
for the provisions for impeachment for misbehavior in office
contained in Article VI. No justice, judge or justice of the
peace against whom impeachment proceedings are pending in the
Senate shall exercise any of the duties of his office until he
has been acquitted.

   (d) The Judicial Conduct Board shall receive and investigate
complaints regarding judicial conduct filed by individuals or
initiated by the Judicial Conduct Board; promulgate rules for
determining whether a complaint is reasonably based; issue
subpoenas to compel testimony under oath of witnesses, including
the subject of the investigation, and to compel the production
of documents, books, accounts and other records relevant to the
investigation; determine whether there is probable cause to file
formal charges against a justice, judge or justice of the peace,
for conduct proscribed in sections 17 and 20(a) of this article,
a finding of which shall require approval by a majority vote of
the Judicial Conduct Board; and present the case in support of
the charges.

(e) The Judicial Conduct Board, by a majority vote, shall
appoint a chief counsel and other staff, prepare and administer
its own budget as provided by law, establish and promulgate its
own rules of procedure; and do what is needed to ensure its
efficient operation. The budget request of the Judicial Conduct
Board shall be made as an item in the request of the Governor on
behalf of the executive branch of government to the General
Assembly. The Judicial Conduct Board shall promulgate rules for
the provision of written advisory opinions to justices, judges
or justices of the peace which shall not be binding on the
Judicial Conduct Board, although the board may give weight as to
whether the subject of an investigation acted in accordance with
an advisory opinion.

(f) The justice, judge or justice of the peace whose conduct
is the subject of an investigation by the Judicial Conduct Board
shall be given an opportunity to fully respond to the complaint
and shall be afforded full discovery.

(g) Until a determination of probable cause has been made
and formal charges have been filed, all proceedings shall be
confidential except when the justice, judge or justice of the
peace under investigation waives confidentiality, or in any case
in which, independent of any action by the Judicial Conduct
Board, the fact that an investigation is in process becomes
public, in which case the Judicial Conduct Board may, at the
direction of the justice, judge or justice of the peace under investigation, issue a statement to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the justice, judge or justice of the peace to a fair hearing without prejudgment or to state that the justice, judge or justice of the peace denies the allegations.

(h) If on a complaint of mental or physical disability the Judicial Conduct Board finds probable cause to file formal charges against a justice, judge or justice of the peace, the board shall present its findings to the justice, judge or justice of the peace and provide him with the opportunity to resign or, when appropriate, to enter a rehabilitation program before the filing of formal charges.

(i) Members of the Judicial Conduct Board and its chief counsel and staff shall be absolutely immune from suit for all conduct in the course of their official duties. A complaint submitted to the Judicial Conduct Board or testimony related to the complaint shall be privileged, and no civil action or disciplinary complaint predicated on the complaint or testimony shall be maintained against any complainant or witness or his or her counsel.

(3) That Article V be amended by adding sections to read:

§ 19. Court of Judicial Discipline.

(a) There shall be a Court of Judicial Discipline within the judicial branch, which shall be composed of a total of seven members as follows: two active judges of the court of common pleas, one active judge of an appellate court, one active justice of the peace, one non-judge member of the bar of the Supreme Court and two non-lawyer electors. One judge of the
court of common pleas and the district justice member shall be
appointed by the Supreme Court. The remaining members of the
Court of Judicial Discipline shall be appointed by the Governor.
All members of the court of Judicial Discipline shall be
appointed with the advice and consent of a majority of the
members elected to the Senate in conformance with the provisions
of section 8 of Article IV of this Constitution.

(b) Except for the initial appointees whose terms shall be
provided by the schedule to this amendment, the members shall
serve for terms of four years, provided that a member, rather
than his or her successor, shall continue to participate in any
hearing in progress at the end of this term. All members shall
be residents of this Commonwealth, and no more than four of the
seven members shall be registered in the same political party.
Court of Judicial Discipline membership by a judge shall
terminate if the judge ceases to hold the judicial position that
qualified that judge for Court of Judicial Discipline
appointment. Court of Judicial Discipline membership shall also
terminate if a member attains a position that would have
rendered him or her ineligible for appointment at the time of
the appointment. A vacancy on the Court of Judicial Discipline
shall be filled by the Governor for the balance of the term. The
Governor may remove any member only for cause. No member of the
Court of Judicial Discipline shall serve more than four
consecutive years but may be reappointed after a lapse of one
year.

(c) No member of the Court of Judicial Discipline, during
his or her term of service, shall hold office in any political
party or political organization. Except for a judicial member,
no member of the Court of Judicial Discipline, during his or her
term of service, shall hold a public office or public
appointment, compensated or uncompensated. All members shall be
reimbursed for expenses necessarily incurred in the discharge of
their official duties.

(d) The Court of Judicial Discipline shall be a court of
record with all the attendant duties and powers appropriate to
its function, and shall hold public proceedings, conducted
pursuant to rules adopted by the Court of Judicial Discipline
consistent with the Pennsylvania Rules of Civil Procedure, and
consistent with the principles of due process and the law of
evidence; enable parties appearing before it to subpoena
witnesses and to compel the production of documents, books,
accounts and other records as relevant; render its decision in
writing, each decision to include its findings of fact,
conclusions of law and discussion of reasons; have its
proceedings transcribed; order removal from office, suspension,
censure or other discipline as authorized by section 20 of this
article and as warranted by the record; appoint staff and
prepare and administer its own budget as provided by law. All
actions of the Court of Judicial Discipline, including
disciplinary action, shall require approval by a majority vote
of the Court. The budget request of the Court of Judicial
Discipline shall be made as a separate item in the request by
the Supreme Court on behalf of the judicial system to the
General Assembly.

(e) Upon the filing of formal charges by the Judicial
Conduct Board, the Court of Judicial Discipline shall schedule a
prompt hearing to determine whether a sanction pursuant to the
provisions of section 20 of this article should be imposed. The
Court of Judicial Discipline shall afford the justice, judge or
justice of the peace full discovery and a fair opportunity to
prepare for the hearing. The Judicial Conduct Board shall have
the burden of proving the conduct complained of by clear and
convincing evidence.

(f) Members of the Court of Judicial Discipline and the
Court's staff shall be absolutely immune from suit for all
conduct in the course of their official duties, and no civil
action or disciplinary complaint predicated on testimony before
the Court of Judicial Discipline shall be maintained against any
witness or his or her counsel.

§ 20. Proscribed conduct and sanctions.

(a) Under the procedures prescribed in this section, any
justice, judge or justice of the peace may be suspended, removed
from office or otherwise disciplined for violation of section 17
of this article, misconduct in office, neglect or failure to
perform the duties of office, or conduct which prejudices the
proper administration of justice or brings the judicial office
into disrepute, whether or not such conduct occurred while
acting in a judicial capacity or is prohibited by law, and for
conduct in violation of a canon or rule prescribed by the
Supreme Court.

(b) The Court of Judicial Discipline may, until there is an
acquittal or conviction for the felony offense, order suspended
with or without pay any justice, judge or justice of the peace
against whom there has been filed an indictment or information
charging a felony. An interim order of suspension, with or
without pay, may be entered against a justice, judge or justice
of the peace against whom formal charges have been filed with
the Court of Judicial Discipline by the Judicial Conduct Board.
Such order shall not be immediately appealable.
(c) In the case of a mentally or physically disabled justice, judge or justice of the peace, the Court of Judicial Discipline may enter an order of removal from office, retirement, suspension or other limitations on the activities of the justice, judge or justice of the peace as warranted by the record.

(d) The Court of Judicial Discipline may order suspended, with or without pay, any justice, judge or justice of the peace after a determination that the continued service of the justice, judge or justice of the peace poses a substantial or imminent threat to the fair and impartial administration of justice.

(e) Upon an order of the Court of Judicial Discipline for suspension without pay or removal, the justice, judge or justice of the peace shall be suspended or removed from office, and his or her salary shall cease from the date of such order.

(f) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section shall forfeit automatically his or her judicial office and thereafter be ineligible for judicial office.

(g) A justice, judge or justice of the peace who files for nomination for or election to any public office other than a judicial office shall forfeit automatically his or her judicial office.

(h) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of the office until he or she has been acquitted.
§ 21. Review of Court of Judicial Discipline.

(a) A justice, judge or justice of the peace, other than a justice of the Supreme Court, in a manner consistent with the rules of the Supreme Court, may appeal to the Supreme Court a final adverse order of the Court of Judicial Discipline.

(b) A justice of the Supreme Court, in a manner consistent with the rules of the Supreme Court, may appeal a final adverse order of the Court of Judicial Discipline to a special review panel consisting of seven judges to be chosen by lot from the judges of the Superior Court and the Commonwealth Court, other than senior judges, and who do not themselves sit on the Court of Judicial Discipline. The appeal shall in all other respects conform with the requirements of this section.

(c) No justice, judge or justice of the peace shall participate as a member of the Judicial Conduct Board, the Court of Judicial Discipline, a special review panel or the Supreme Court in any proceeding involving his or her suspension, removal, discipline or compulsory retirement.

(d) On appeal, the reviewing court or special tribunal shall review the record of the Court of Judicial Discipline proceedings as follows: As to matters of law, the scope of review shall be plenary. As to matters of fact, the scope of review shall be whether the findings below were clearly erroneous. As to the propriety of the sanctions imposed, the scope of review shall be whether the sanctions imposed were lawful. The Supreme Court or special tribunal may revise or reject the order of the Court of Judicial Discipline upon a determination the order did not sustain this standard of review; otherwise the Supreme Court shall affirm the order of the Court of Judicial Discipline.
(e) An order of the Court of Judicial Discipline dismissing a complaint against a judge or justice of the peace may be appealed by the Judicial Conduct Board to the Supreme Court but the appeal shall be limited to questions of law. An order of the Court of Judicial Discipline dismissing a complaint against a justice of the Supreme Court may be appealed by the Judicial Conduct Board to a special tribunal composed of seven judges, not senior judges, chosen by lot from the judges of the Superior Court and Commonwealth Court, but the appeal shall be limited to questions of law.

§ 18. SUSPENSION, REMOVAL, DISCIPLINE AND OTHER SANCTIONS.

(A) THERE SHALL BE A JUDICIAL CONDUCT BOARD, THE COMPOSITION, POWERS AND DUTIES OF WHICH SHALL BE AS FOLLOWS:


(2) LAY MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE. THE SENATE SHALL ACT ON EACH Nomination within 90 days of its submission. If the Senate does not act on the nomination within 90 days, the appointment shall occur automatically without the Senate's advice and consent. The judges, district justice and non-judge members of the bar of the Supreme Court shall be appointed by the Supreme Court.

(3) EXCEPT FOR THE INITIAL APPOINTEES, WHOSE TERMS SHALL BE PROVIDED BY THE SCHEDULE TO THIS ARTICLE, THE MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS. ALL MEMBERS MUST BE RESIDENTS OF Pennsylvania.
THIS COMMONWEALTH. NO MORE THAN THREE OF THE SIX MEMBERS
APPOINTED BY THE SUPREME COURT MAY BE REGISTERED IN THE SAME
POLITICAL PARTY. NO MORE THAN THREE OF THE SIX MEMBERS APPOINTED
BY THE GOVERNOR MAY BE REGISTERED IN THE SAME POLITICAL PARTY.
MEMBERSHIP OF A JUDGE OR DISTRICT JUSTICE SHALL TERMINATE IF THE
MEMBER CEASES TO HOLD THE JUDICIAL POSITION THAT QUALIFIED THE
MEMBER FOR THE APPOINTMENT. MEMBERSHIP SHALL TERMINATE IF A
MEMBER ATTAINS A POSITION THAT WOULD HAVE RENDERED THE MEMBER
INELIGIBLE FOR APPOINTMENT AT THE TIME OF THE APPOINTMENT. A
VACANCY SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY
FOR THE REMAINDER OF THE TERM TO WHICH THE MEMBER WAS APPOINTED.
NO MEMBER MAY SERVE MORE THAN FOUR CONSECUTIVE YEARS BUT MAY BE
REAPPOINTED AFTER A LAPSE OF ONE YEAR. THE GOVERNOR SHALL
CONVENE THE BOARD FOR ITS FIRST MEETING. AT THAT MEETING, AND
ANNUALLY THEREAFTER, THE MEMBERS OF THE BOARD SHALL ELECT A
CHAIRPERSON. THE BOARD SHALL ACT ONLY WITH THE CONCURRENCE OF A
MAJORITY OF ITS MEMBERS.

(4) NO MEMBER OF THE BOARD, DURING THE MEMBER'S TERM, MAY
HOLD OFFICE IN A POLITICAL PARTY OR POLITICAL ORGANIZATION.
EXCEPT FOR A JUDICIAL MEMBER, NO MEMBER OF THE BOARD, DURING THE
MEMBER'S TERM MAY HOLD A COMPENSATED PUBLIC OFFICE OR PUBLIC
APPOINTMENT. ALL MEMBERS SHALL BE REIMBURSED FOR EXPENSES
NECESSARILY INCURRED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES.

(5) THE BOARD SHALL PRESCRIBE GENERAL RULES GOVERNING THE
CONDUCT OF MEMBERS. A MEMBER MAY BE REMOVED BY THE BOARD FOR A
VIOLATION OF THE RULES GOVERNING THE CONDUCT OF MEMBERS.

(6) THE BOARD SHALL APPOINT A CHIEF COUNSEL AND OTHER STAFF,
PREPARE AND ADMINISTER ITS OWN BUDGET AS PROVIDED BY LAW,
ESTABLISH AND PROMULGATE ITS OWN RULES OF PROCEDURE, PREPARE AND
DISSEMINATE AN ANNUAL REPORT AND TAKE OTHER ACTIONS AS ARE
NECESSARY TO ENSURE ITS EFFICIENT OPERATION. THE BUDGET REQUEST
OF THE BOARD SHALL BE MADE AS A SEPARATE ITEM IN THE REQUEST BY
THE SUPREME COURT ON BEHALF OF THE JUDICIAL BRANCH TO THE
GENERAL ASSEMBLY.

(7) THE BOARD SHALL RECEIVE AND INVESTIGATE COMPLAINTS
REGARDING JUDICIAL CONDUCT FILED BY INDIVIDUALS OR INITIATED BY
THE BOARD; ISSUE SUBPOENAS TO COMPEL TESTIMONY UNDER OATH OF
WITNESSES, INCLUDING THE SUBJECT OF THE INVESTIGATION, AND TO
COMPEL THE PRODUCTION OF DOCUMENTS, BOOKS, ACCOUNTS AND OTHER
RECORDS RELEVANT TO THE INVESTIGATION; DETERMINE WHETHER THERE
IS PROBABLE CAUSE TO FILE FORMAL CHARGES AGAINST A JUSTICE,
JUDGE OR DISTRICT JUSTICE FOR CONDUCT PROSCRIBED BY THIS
SECTION; AND PRESENT THE CASE IN SUPPORT OF THE CHARGES BEFORE
THE COURT OF JUDICIAL DISCIPLINE.

(8) COMPLAINTS FILED WITH THE BOARD OR INITIATED BY THE
BOARD SHALL NOT BE PUBLIC INFORMATION. STATEMENTS, TESTIMONY,
DOCUMENTS, RECORDS OR OTHER INFORMATION OR EVIDENCE ACQUIRED BY
THE BOARD IN THE CONDUCT OF AN INVESTIGATION SHALL NOT BE PUBLIC
INFORMATION. A JUSTICE, JUDGE OR DISTRICT JUSTICE WHO IS THE
SUBJECT OF A COMPLAINT FILED WITH THE BOARD OR INITIATED BY THE
BOARD, OR OF AN INVESTIGATION CONDUCTED BY THE BOARD, SHALL BE
APPRISED OF THE NATURE AND CONTENT OF THE COMPLAINT AND AFFORDED
AN OPPORTUNITY TO RESPOND FULLY TO THE COMPLAINT PRIOR TO ANY
PROBABLE CAUSE DETERMINATION BY THE BOARD. ALL PROCEEDINGS OF
THE BOARD SHALL BE CONFIDENTIAL EXCEPT WHEN THE SUBJECT OF THE
INVESTIGATION WAIVES CONFIDENTIALITY. IF, INDEPENDENT OF ANY
ACTION BY THE BOARD, THE FACT THAT AN INVESTIGATION BY THE BOARD
IS IN PROGRESS BECOMES A MATTER OF PUBLIC RECORD, THE BOARD MAY,
AT THE DIRECTION OF THE SUBJECT OF THE INVESTIGATION, ISSUE A
STATEMENT TO CONFIRM THAT THE INVESTIGATION IS IN PROGRESS, TO


(9) IF THE BOARD FINDS PROBABLE CAUSE TO FILE FORMAL CHARGES CONCERNING MENTAL OR PHYSICAL DISABILITY AGAINST A JUSTICE, JUDGE OR DISTRICT JUSTICE, THE BOARD SHALL SO NOTIFY THE SUBJECT OF THE CHARGES, AND PROVIDE THE SUBJECT WITH AN OPPORTUNITY TO RESIGN FROM JUDICIAL OFFICE OR, WHEN APPROPRIATE, TO ENTER A REHABILITATION PROGRAM PRIOR TO THE FILING OF THE FORMAL CHARGES WITH THE COURT OF JUDICIAL DISCIPLINE.

(10) MEMBERS OF THE BOARD AND ITS CHIEF COUNSEL AND STAFF SHALL BE ABSOLUTELY IMMUNE FROM SUIT FOR ALL CONDUCT IN THE COURSE OF THEIR OFFICIAL DUTIES. NO CIVIL ACTION OR DISCIPLINARY COMPLAINT PREDICATED UPON THE FILING OF A COMPLAINT OR OTHER DOCUMENTS WITH THE BOARD OR TESTIMONY BEFORE THE BOARD MAY BE MAINTAINED AGAINST ANY COMPLAINANT, WITNESS OR COUNSEL.

(B) THERE SHALL BE A COURT OF JUDICIAL DISCIPLINE, THE COMPOSITION, POWERS AND DUTIES OF WHICH SHALL BE AS FOLLOWS:

(1) THE COURT SHALL BE COMPOSED OF A TOTAL OF SEVEN MEMBERS AS FOLLOWS: THREE JUDGES OTHER THAN SENIOR JUDGES FROM THE

(2)  EXCEPT FOR THE INITIAL APPOINTEES, WHOSE TERMS SHALL BE PROVIDED BY THE SCHEDULE TO THIS ARTICLE, EACH MEMBER SHALL SERVE FOR A TERM OF FOUR YEARS; HOWEVER, THE MEMBER, RATHER THAN THE MEMBER'S SUCCESSOR, SHALL CONTINUE TO PARTICIPATE IN ANY HEARING IN PROGRESS AT THE END OF THE MEMBER'S TERM.  ALL MEMBERS MUST BE RESIDENTS OF THIS COMMONWEALTH.  NO MORE THAN TWO OF THE MEMBERS APPOINTED BY THE SUPREME COURT MAY BE REGISTERED IN THE SAME POLITICAL PARTY.  NO MORE THAN TWO OF THE MEMBERS APPOINTED BY THE GOVERNOR MAY BE REGISTERED IN THE SAME POLITICAL PARTY.  MEMBERSHIP OF A JUDGE OR DISTRICT JUSTICE SHALL TERMINATE IF THE JUDGE OR DISTRICT JUSTICE CEASES TO HOLD THE JUDICIAL POSITION THAT QUALIFIED THE JUDGE OR DISTRICT JUSTICE FOR APPOINTMENT.  MEMBERSHIP SHALL TERMINATE IF A MEMBER ATTAINS A POSITION THAT WOULD HAVE RENDERED THAT PERSON INELIGIBLE FOR APPOINTMENT AT THE TIME OF THE APPOINTMENT.  A VACANCY ON THE COURT SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY FOR THE REMAINDER OF THE TERM TO WHICH THE MEMBER WAS APPOINTED IN THE SAME MANNER IN WHICH THE ORIGINAL APPOINTMENT OCCURRED.  NO MEMBER OF THE COURT MAY SERVE MORE THAN FOUR CONSECUTIVE YEARS BUT MAY BE
REAPPOINTED AFTER A LAPSE OF ONE YEAR.

(3) THE COURT SHALL PRESCRIBE GENERAL RULES GOVERNING THE
CONDUCT OF MEMBERS. A MEMBER MAY BE REMOVED BY THE COURT FOR A
VIOLATION OF THE RULES OF CONDUCT PRESCRIBED BY THE COURT. NO
MEMBER, DURING THE MEMBER'S TERM OF SERVICE, MAY HOLD OFFICE IN
ANY POLITICAL PARTY OR POLITICAL ORGANIZATION. EXCEPT FOR A
JUDICIAL MEMBER, NO MEMBER OF THE COURT, DURING THE MEMBER'S
TERM OF SERVICE, MAY HOLD A COMPENSATED PUBLIC OFFICE OR PUBLIC
APPOINTMENT. ALL MEMBERS OF THE COURT SHALL BE REIMBURSED FOR
EXPENSES NECESSARILY INCURRED IN THE DISCHARGE OF THEIR OFFICIAL
DUTIES.

(4) THE COURT SHALL APPOINT STAFF AND PREPARE AND ADMINISTER
ITS OWN BUDGET AS PROVIDED BY LAW AND UNDERTAKE ACTIONS NEEDED
TO ENSURE ITS EFFICIENT OPERATION. ALL ACTIONS OF THE COURT,
INCLUDING DISCIPLINARY ACTION, SHALL REQUIRE APPROVAL BY A
MAJORITY VOTE OF THE MEMBERS OF THE COURT. THE BUDGET REQUEST OF
THE COURT SHALL BE MADE AS A SEPARATE ITEM IN THE REQUEST BY THE
SUPREME COURT ON BEHALF OF THE JUDICIAL BRANCH TO THE GENERAL
ASSEMBLY. THE COURT SHALL ADOPT RULES TO GOVERN THE CONDUCT OF
PROCEEDINGS BEFORE THE COURT.

(5) UPON THE FILING OF FORMAL CHARGES WITH THE COURT BY THE
BOARD, THE COURT SHALL PROMPTLY SCHEDULE A HEARING OR HEARINGS
TO DETERMINE WHETHER A SANCTION SHOULD BE IMPOSED AGAINST A
JUSTICE, JUDGE OR DISTRICT JUSTICE PURSUANT TO THE PROVISIONS OF
THIS SECTION. THE COURT SHALL BE A COURT OF RECORD, WITH ALL THE
ATTENDANT DUTIES AND POWERS APPROPRIATE TO ITS FUNCTION. ALL
HEARINGS CONDUCTED BY THE COURT SHALL BE PUBLIC PROCEEDINGS,
CONDUCTED PURSUANT TO THE RULES ADOPTED BY THE COURT AND IN
ACCORDANCE WITH THE PRINCIPLES OF DUE PROCESS AND THE LAW OF
EVIDENCE. PARTIES APPEARING BEFORE THE COURT SHALL HAVE A RIGHT
TO DISCOVERY PURSUANT TO THE RULES ADOPTED BY THE COURT AND SHALL HAVE THE RIGHT TO SUBPOENA WITNESSES AND TO COMPEL THE PRODUCTION OF DOCUMENTS, BOOKS, ACCOUNTS AND OTHER RECORDS AS RELEVANT. THE SUBJECT OF THE CHARGES SHALL BE PRESUMED INNOCENT IN ANY PROCEEDING BEFORE THE COURT, AND THE BOARD SHALL HAVE THE BURDEN OF PROVING THE CHARGES BY CLEAR AND CONVINCING EVIDENCE. ALL DECISIONS OF THE COURT SHALL BE IN WRITING AND SHALL CONTAIN FINDINGS OF FACT AND CONCLUSIONS OF LAW. A DECISION OF THE COURT MAY ORDER REMOVAL FROM OFFICE, SUSPENSION, CENSURE OR OTHER DISCIPLINE AS AUTHORIZED BY THIS SECTION AND AS WARRANTED BY THE RECORD. HEARINGS BEFORE THE COURT MAY BE CONDUCTED BY A MEMBER OR BY A QUALIFIED HEARING OFFICER APPOINTED BY THE COURT.

(6) MEMBERS OF THE COURT AND THE COURT'S STAFF SHALL BE ABSOLUTELY IMMUNE FROM SUIT FOR ALL CONDUCT IN THE COURSE OF THEIR OFFICIAL DUTIES, AND NO CIVIL ACTION OR DISCIPLINARY COMPLAINT PREDICATED ON TESTIMONY BEFORE THE COURT MAY BE MAINTAINED AGAINST ANY WITNESS OR COUNSEL.

(C) DECISIONS OF THE COURT SHALL BE SUBJECT TO REVIEW AS FOLLOWS:

(1) A JUSTICE, JUDGE OR DISTRICT JUSTICE SHALL HAVE THE RIGHT TO APPEAL A FINAL ADVERSE ORDER OF DISCIPLINE OF THE COURT. A JUDGE OR DISTRICT JUSTICE SHALL HAVE THE RIGHT TO APPEAL TO THE SUPREME COURT IN A MANNER CONSISTENT WITH RULES ADOPTED BY THE SUPREME COURT; A JUSTICE SHALL HAVE THE RIGHT TO APPEAL TO A SPECIAL TRIBUNAL COMPOSED OF SEVEN JUDGES, OTHER THAN SENIOR JUDGES, CHosen BY LOT FROM THE JUDGES OF THE SUPERIOR COURT AND COMMONWEALTH COURT WHO DO NOT SIT ON THE COURT OF JUDICIAL DISCIPLINE OR THE BOARD, IN A MANNER CONSISTENT WITH RULES ADOPTED BY THE SUPREME COURT. THE SPECIAL TRIBUNAL SHALL HEAR AND DECIDE THE APPEAL IN THE SAME MANNER IN
which the supreme court would hear and decide an appeal from an order of the court.

(2) on appeal, the supreme court or special tribunal shall review the record of the proceedings of the court as follows: on the law, the scope of review is plenary; on the facts, the scope of review is clearly erroneous; and as to sanctions, the scope of review is abuse of discretion. the supreme court or special tribunal may revise or reject an order of the court upon a determination that the order did not sustain this standard of review; otherwise, the supreme court or special tribunal shall affirm the order of the court. the supreme court or special tribunal may remand the matter to the court for the consideration of additional evidence which was excluded by the court or which became available subsequent to the conclusion of the proceedings before the court.

(3) an order of the court which dismisses a complaint against a judge or district justice may be appealed by the board to the supreme court, but the appeal shall be limited to questions of law. an order of the court which dismisses a complaint against a justice of the supreme court may be appealed by the board to a special tribunal in accordance with paragraph (1), but the appeal shall be limited to questions of law.

(4) no justice, judge or district justice may participate as a member of the board, the court, a special tribunal, or the supreme court in any proceeding in which the justice, judge or district justice is a complainant, the subject of a complaint, a party or a witness.

(D) a justice, judge or district justice shall be subject to disciplinary action pursuant to this section as follows:

(1) a justice, judge or district justice may be suspended,
REMOVED FROM OFFICE OR OTHERWISE DISCIPLINED FOR CONVICTION OF A
FELONY; VIOLATION OF SECTION 17 OF THIS ARTICLE; MISCONDUCT IN
OFFICE; NEGLECT OR FAILURE TO PERFORM THE DUTIES OF OFFICE OR
CONDUCT WHICH PREJUDICES THE PROPER ADMINISTRATION OF JUSTICE OR
BRINGS THE JUDICIAL OFFICE INTO DISREPUTE, WHETHER OR NOT THE
CONDUCT OCCURRED WHILE ACTING IN A JUDICIAL CAPACITY OR IS
PROHIBITED BY LAW; OR CONDUCT IN VIOLATION OF A CANON OR RULE
PRESCRIBED BY THE SUPREME COURT. IN THE CASE OF A MENTALLY OR
PHYSICALLY DISABLED JUSTICE, JUDGE OR DISTRICT JUSTICE, THE
COURT MAY ENTER AN ORDER OF REMOVAL FROM OFFICE, RETIREMENT,
SUSPENSION OR OTHER LIMITATIONS ON THE ACTIVITIES OF THE
JUSTICE, JUDGE OR DISTRICT JUSTICE AS WARRANTED BY THE RECORD.
UPON A FINAL ORDER OF THE COURT FOR SUSPENSION WITHOUT PAY OR
REMOVAL, PRIOR TO ANY APPEAL, THE JUSTICE OR JUDGE SHALL BE
SUSPENDED OR REMOVED FROM OFFICE; AND THE SALARY OF THE JUSTICE
OR JUDGE SHALL CEASE FROM THE DATE OF THE ORDER.

(2) PRIOR TO A HEARING, THE COURT MAY ISSUE AN INTERIM ORDER
DIRECTING THE SUSPENSION, WITH OR WITHOUT PAY, OF ANY JUSTICE,
JUDGE OR DISTRICT JUSTICE AGAINST WHOM FORMAL CHARGES HAVE BEEN
FILED WITH THE COURT BY THE BOARD OR AGAINST WHOM HAS BEEN FILED
AN INDICTMENT OR INFORMATION CHARGING A FELONY. AN INTERIM ORDER
UNDER THIS PARAGRAPH SHALL NOT BE CONSIDERED A FINAL ORDER FROM
WHICH AN APPEAL MAY BE TAKEN.

(3) A JUSTICE, JUDGE OR DISTRICT JUSTICE CONVICTED OF
MISBEHAVIOR IN OFFICE BY A COURT, DISBARRED AS A MEMBER OF THE
BAR OF THE SUPREME COURT OR REMOVED UNDER THIS SECTION SHALL
FORFEIT AUTOMATICALLY HIS JUDICIAL OFFICE AND THEREAFTER BE
INELIGIBLE FOR JUDICIAL OFFICE.

(4) A JUSTICE, JUDGE OR DISTRICT JUSTICE WHO FILES FOR
NOMINATION FOR OR ELECTION TO ANY PUBLIC OFFICE OTHER THAN A
JUDICIAL OFFICE SHALL FORFEIT AUTOMATICALLY HIS JUDICIAL OFFICE.

(5) THIS SECTION IS IN ADDITION TO AND NOT IN SUBSTITUTION FOR THE PROVISIONS FOR IMPEACHMENT FOR MISBEHAVIOR IN OFFICE CONTAINED IN ARTICLE VI. NO JUSTICE, JUDGE OR JUSTICE OF THE PEACE AGAINST WHOM IMPEACHMENT PROCEEDINGS ARE PENDING IN THE SENATE SHALL EXERCISE ANY OF THE DUTIES OF OFFICE UNTIL ACQUITTAL.

(2) THAT SECTION 24 OF THE SCHEDULE TO ARTICLE V BE AMENDED TO READ:

§ 24. JUDICIAL [INQUIRY AND REVIEW BOARD] DISCIPLINE.


(A) THE MEMBERS OF THE JUDICIAL INQUIRY AND REVIEW BOARD SHALL VACATE THEIR OFFICES 90 DAYS AFTER THE ADOPTION OF THE AMENDMENT TO SECTION 18 OF ARTICLE V, AND ALL PROCEEDINGS PENDING BEFORE THE JUDICIAL INQUIRY AND REVIEW BOARD AND ALL RECORDS SHALL BE TRANSFERRED TO THE JUDICIAL CONDUCT BOARD FOR FURTHER PROCEEDINGS.

(B) OF THE MEMBERS INITIALLY APPOINTED TO THE JUDICIAL CONDUCT BOARD: THE JUDGE FIRST APPOINTED SHALL SERVE A FOUR-YEAR TERM; AND THE JUDGE NEXT APPOINTED SHALL SERVE A THREE-YEAR TERM. THE DISTRICT JUSTICE INITIALLY APPOINTED SHALL SERVE A TWO-YEAR TERM. OF THE THREE NON-JUDGE MEMBERS OF THE BAR OF THE
SUPREME COURT INITIALLY APPOINTED: THE FIRST APPOINTED SHALL SERVE A THREE-YEAR TERM; THE NEXT APPOINTED SHALL SERVE A TWO-YEAR TERM; AND THE THIRD APPOINTED SHALL SERVE A ONE-YEAR TERM.


Section 2. (a) The members of the Judicial Inquiry and Review Board appointed heretofore shall vacate their office 90 days after the issuance of the proclamation certifying voter approval of the amendments to section 18 of Article V contained herein and all proceedings pending before the board and all records shall be transferred to the Judicial Conduct Board.

(b) Of the members initially appointed to the Judicial Conduct Board, the appellate court judge and the common pleas court judge first appointed shall serve four-year terms. The second common pleas court judge and the justice of the peace first appointed shall serve three-year terms. The non-judge member of the bar of the Supreme Court first appointed by the Governor shall serve a four-year term, and the second non-judge
member shall serve a two-year term. Of the non-lawyer electors appointed by the Governor, the first two appointed shall serve four-year terms; the next one appointed shall serve a three-year term; and the final two appointed shall serve two-year terms.

(c) Of the members initially appointed to the Court of Judicial Discipline, the common pleas court judges and the appellate court judge shall serve four-year terms. The non-lawyer elector first appointed and the district justice member shall serve three-year terms. The non-judge member of the bar of the Supreme Court and the second non-lawyer elector shall serve two-year terms.

Section 3. Upon passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers shall be published in sufficient time after passage of this proposed constitutional amendment. Upon the second passage of this proposed constitutional amendment by the General Assembly, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers shall be published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed
1 constitutional amendment is passed by the General Assembly which
2 meets the requirements of and is in conformance with section 1
3 of Article XI of the Constitution of Pennsylvania.