
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1000 Session of
1991

INTRODUCED BY GREENLEAF, BELL, HART, BORTNER, MADIGAN, LEWIS,
HOPPER, FISHER, SHUMAKER, CORMAN, SHAFFER, JONES, LAVALLE,
JUBELIRER AND RHOADES, APRIL 23, 1991

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 20, 1992

A JOINT RESOLUTION

1 Proposing ~~amendments~~ AN AMENDMENT to the Constitution of the <—
2 Commonwealth of Pennsylvania, changing provisions relating to
3 judicial discipline; ~~and providing for financial disclosure.~~ <—

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

6 Section 1. The following ~~amendments~~ AMENDMENT to the <—
7 Constitution of Pennsylvania ~~are~~ IS proposed in accordance with <—
8 Article XI:

9 ~~(1) That section 17 of Article V be amended to read:~~ <—

10 ~~§ 17. Prohibited activities and financial disclosure.~~

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

1 ~~the United States or the Commonwealth.~~

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

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

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

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

28 ~~(2) (1) That section 18 of Article V be amended to read:~~ <—
29 [§ 18. Suspension, removal, discipline and compulsory
30 retirement.

1 (a) There shall be a Judicial Inquiry and Review Board
2 having nine members as follows: three judges of the courts of
3 common pleas from different judicial districts and two judges of
4 the Superior Court, all of whom shall be selected by the Supreme
5 Court; and two non-judge members of the bar of the Supreme Court
6 and two non-lawyer electors, all of whom shall be selected by
7 the Governor.]

8 ~~§ 18. Judicial Conduct Board.~~

<—

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

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

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

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

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

1 ~~performance of his duties.~~

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

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

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

17 ~~(h) The Supreme Court shall review the record of the board's~~
18 ~~proceedings on the law and facts and may permit the introduction~~
19 ~~of additional evidence. It shall order suspension, removal,~~
20 ~~discipline or compulsory retirement, or wholly reject the~~
21 ~~recommendation, as it finds just and proper. Upon an order for~~
22 ~~compulsory retirement, the justice or judge shall be retired~~
23 ~~with the same rights and privileges were he retired under~~
24 ~~section 16 of this article. Upon an order for suspension or~~
25 ~~removal, the justice or judge shall be suspended or removed from~~
26 ~~office, and his salary shall cease from the date of such order.~~
27 ~~All papers filed with and proceedings before the board shall be~~
28 ~~confidential but upon being filed by the board in the Supreme~~
29 ~~Court, the record shall lose its confidential character. The~~
30 ~~filing of papers with and the giving of testimony before the~~

1 ~~board shall be privileged.~~

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

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

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

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

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

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

24 ~~(d) The Judicial Conduct Board shall receive and investigate~~
25 ~~complaints regarding judicial conduct filed by individuals or~~
26 ~~initiated by the Judicial Conduct Board; promulgate rules for~~
27 ~~determining whether a complaint is reasonably based; issue~~
28 ~~subpoenas to compel testimony under oath of witnesses, including~~
29 ~~the subject of the investigation, and to compel the production~~
30 ~~of documents, books, accounts and other records relevant to the~~

1 ~~investigation; determine whether there is probable cause to file~~
2 ~~formal charges against a justice, judge or justice of the peace,~~
3 ~~for conduct proscribed in sections 17 and 20(a) of this article,~~
4 ~~a finding of which shall require approval by a majority vote of~~
5 ~~the Judicial Conduct Board; and present the case in support of~~
6 ~~the charges.~~

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

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

24 ~~(g) Until a determination of probable cause has been made~~
25 ~~and formal charges have been filed, all proceedings shall be~~
26 ~~confidential except when the justice, judge or justice of the~~
27 ~~peace under investigation waives confidentiality, or in any case~~
28 ~~in which, independent of any action by the Judicial Conduct~~
29 ~~Board, the fact that an investigation is in process becomes~~
30 ~~public, in which case the Judicial Conduct Board may, at the~~

~~1 direction of the justice, judge or justice of the peace under
2 investigation, issue a statement to confirm the pendency of the
3 investigation, to clarify the procedural aspects of the
4 proceedings, to explain the right of the justice, judge or
5 justice of the peace to a fair hearing without prejudgment or to
6 state that the justice, judge or justice of the peace denies the
7 allegations.~~

~~8 (h) If on a complaint of mental or physical disability the
9 Judicial Conduct Board finds probable cause to file formal
10 charges against a justice, judge or justice of the peace, the
11 board shall present its findings to the justice, judge or
12 justice of the peace and provide him with the opportunity to
13 resign or, when appropriate, to enter a rehabilitation program
14 before the filing of formal charges.~~

~~15 (i) Members of the Judicial Conduct Board and its chief
16 counsel and staff shall be absolutely immune from suit for all
17 conduct in the course of their official duties. A complaint
18 submitted to the Judicial Conduct Board or testimony related to
19 the complaint shall be privileged, and no civil action or
20 disciplinary complaint predicated on the complaint or testimony
21 shall be maintained against any complainant or witness or his or
22 her counsel.~~

~~23 (3) That Article V be amended by adding sections to read:
24 § 19. Court of Judicial Discipline.~~

~~25 (a) There shall be a Court of Judicial Discipline within the
26 judicial branch, which shall be composed of a total of seven
27 members as follows: two active judges of the court of common
28 pleas, one active judge of an appellate court, one active
29 justice of the peace, one non judge member of the bar of the
30 Supreme Court and two non lawyer electors. One judge of the~~

1 ~~court of common pleas and the district justice member shall be~~
2 ~~appointed by the Supreme Court. The remaining members of the~~
3 ~~Court of Judicial Discipline shall be appointed by the Governor.~~
4 ~~All members of the court of Judicial Discipline shall be~~
5 ~~appointed with the advice and consent of a majority of the~~
6 ~~members elected to the Senate in conformance with the provisions~~
7 ~~of section 8 of Article IV of this Constitution.~~

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

27 ~~(c) No member of the Court of Judicial Discipline, during~~
28 ~~his or her term of service, shall hold office in any political~~
29 ~~party or political organization. Except for a judicial member,~~
30 ~~no member of the Court of Judicial Discipline, during his or her~~

1 ~~term of service, shall hold a public office or public~~
2 ~~appointment, compensated or uncompensated. All members shall be~~
3 ~~reimbursed for expenses necessarily incurred in the discharge of~~
4 ~~their official duties.~~

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

26 ~~(e) Upon the filing of formal charges by the Judicial~~
27 ~~Conduct Board, the Court of Judicial Discipline shall schedule a~~
28 ~~prompt hearing to determine whether a sanction pursuant to the~~
29 ~~provisions of section 20 of this article should be imposed. The~~
30 ~~Court of Judicial Discipline shall afford the justice, judge or~~

1 ~~justice of the peace full discovery and a fair opportunity to~~
2 ~~prepare for the hearing. The Judicial Conduct Board shall have~~
3 ~~the burden of proving the conduct complained of by clear and~~
4 ~~convincing evidence.~~

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

11 ~~§ 20. Proscribed conduct and sanctions.~~

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

22 ~~(b) The Court of Judicial Discipline may, until there is an~~
23 ~~acquittal or conviction for the felony offense, order suspended~~
24 ~~with or without pay any justice, judge or justice of the peace~~
25 ~~against whom there has been filed an indictment or information~~
26 ~~charging a felony. An interim order of suspension, with or~~
27 ~~without pay, may be entered against a justice, judge or justice~~
28 ~~of the peace against whom formal charges have been filed with~~
29 ~~the Court of Judicial Discipline by the Judicial Conduct Board.~~
30 ~~Such order shall not be immediately appealable.~~

1 ~~(c) In the case of a mentally or physically disabled~~
2 ~~justice, judge or justice of the peace, the Court of Judicial~~
3 ~~Discipline may enter an order of removal from office,~~
4 ~~retirement, suspension or other limitations on the activities of~~
5 ~~the justice, judge or justice of the peace as warranted by the~~
6 ~~record.~~

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

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

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

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

25 ~~(h) This section is in addition to and not in substitution~~
26 ~~for the provisions for impeachment for misbehavior in office~~
27 ~~contained in Article VI. No justice, judge or justice of the~~
28 ~~peace against whom impeachment proceedings are pending in the~~
29 ~~Senate shall exercise any of the duties of the office until he~~
30 ~~or she has been acquitted.~~

1 ~~§ 21. Review of Court of Judicial Discipline.~~

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

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

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

19 ~~(d) On appeal, the reviewing court or special tribunal shall~~
20 ~~review the record of the Court of Judicial Discipline~~
21 ~~proceedings as follows: As to matters of law, the scope of~~
22 ~~review shall be plenary. As to matters of fact, the scope of~~
23 ~~review shall be whether the findings below were clearly~~
24 ~~erroneous. As to the propriety of the sanctions imposed, the~~
25 ~~scope of review shall be whether the sanctions imposed were~~
26 ~~lawful. The Supreme Court or special tribunal may revise or~~
27 ~~reject the order of the Court of Judicial Discipline upon a~~
28 ~~determination the order did not sustain this standard of review;~~
29 ~~otherwise the Supreme Court shall affirm the order of the Court~~
30 ~~of Judicial Discipline.~~

~~1 (c) An order of the Court of Judicial Discipline dismissing
2 a complaint against a judge or justice of the peace may be
3 appealed by the Judicial Conduct Board to the Supreme Court but
4 the appeal shall be limited to questions of law. An order of the
5 Court of Judicial Discipline dismissing a complaint against a
6 justice of the Supreme Court may be appealed by the Judicial
7 Conduct Board to a special tribunal composed of seven judges,
8 not senior judges, chosen by lot from the judges of the Superior
9 Court and Commonwealth Court, but the appeal shall be limited to
10 questions of law.~~

11 § 18. SUSPENSION, REMOVAL, DISCIPLINE AND OTHER SANCTIONS. <—

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

14 (1) THE BOARD SHALL BE COMPOSED OF 12 MEMBERS, AS FOLLOWS:
15 TWO JUDGES, OTHER THAN SENIOR JUDGES, ONE FROM THE COURTS OF
16 COMMON PLEAS AND THE OTHER FROM EITHER THE SUPERIOR COURT OR THE
17 COMMONWEALTH COURT; ONE DISTRICT JUSTICE, WHO NEED NOT BE A
18 MEMBER OF THE BAR OF THE SUPREME COURT; THREE NON-JUDGE MEMBERS
19 OF THE BAR OF THE SUPREME COURT; AND SIX NON-LAWYER ELECTORS.

20 (2) LAY MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE
21 GOVERNOR, WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE
22 MEMBERS ELECTED TO THE SENATE. THE SENATE SHALL ACT ON EACH
23 NOMINATION WITHIN 90 DAYS OF ITS SUBMISSION. IF THE SENATE DOES
24 NOT ACT ON THE NOMINATION WITHIN 90 DAYS, THE APPOINTMENT SHALL
25 OCCUR AUTOMATICALLY WITHOUT THE SENATE'S ADVICE AND CONSENT. THE
26 JUDGES, DISTRICT JUSTICE AND NON-JUDGE MEMBERS OF THE BAR OF THE
27 SUPREME COURT SHALL BE APPOINTED BY THE SUPREME COURT.

28 (3) EXCEPT FOR THE INITIAL APPOINTEES, WHOSE TERMS SHALL BE
29 PROVIDED BY THE SCHEDULE TO THIS ARTICLE, THE MEMBERS SHALL
30 SERVE FOR TERMS OF FOUR YEARS. ALL MEMBERS MUST BE RESIDENTS OF

1 THIS COMMONWEALTH. NO MORE THAN THREE OF THE SIX MEMBERS
2 APPOINTED BY THE SUPREME COURT MAY BE REGISTERED IN THE SAME
3 POLITICAL PARTY. NO MORE THAN THREE OF THE SIX MEMBERS APPOINTED
4 BY THE GOVERNOR MAY BE REGISTERED IN THE SAME POLITICAL PARTY.
5 MEMBERSHIP OF A JUDGE OR DISTRICT JUSTICE SHALL TERMINATE IF THE
6 MEMBER CEASES TO HOLD THE JUDICIAL POSITION THAT QUALIFIED THE
7 MEMBER FOR THE APPOINTMENT. MEMBERSHIP SHALL TERMINATE IF A
8 MEMBER ATTAINS A POSITION THAT WOULD HAVE RENDERED THE MEMBER
9 INELIGIBLE FOR APPOINTMENT AT THE TIME OF THE APPOINTMENT. A
10 VACANCY SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY
11 FOR THE REMAINDER OF THE TERM TO WHICH THE MEMBER WAS APPOINTED.
12 NO MEMBER MAY SERVE MORE THAN FOUR CONSECUTIVE YEARS BUT MAY BE
13 REAPPOINTED AFTER A LAPSE OF ONE YEAR. THE GOVERNOR SHALL
14 CONVENE THE BOARD FOR ITS FIRST MEETING. AT THAT MEETING, AND
15 ANNUALLY THEREAFTER, THE MEMBERS OF THE BOARD SHALL ELECT A
16 CHAIRPERSON. THE BOARD SHALL ACT ONLY WITH THE CONCURRENCE OF A
17 MAJORITY OF ITS MEMBERS.

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

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

27 (6) THE BOARD SHALL APPOINT A CHIEF COUNSEL AND OTHER STAFF,
28 PREPARE AND ADMINISTER ITS OWN BUDGET AS PROVIDED BY LAW,
29 ESTABLISH AND PROMULGATE ITS OWN RULES OF PROCEDURE, PREPARE AND
30 DISSEMINATE AN ANNUAL REPORT AND TAKE OTHER ACTIONS AS ARE

1 NECESSARY TO ENSURE ITS EFFICIENT OPERATION. THE BUDGET REQUEST
2 OF THE BOARD SHALL BE MADE AS A SEPARATE ITEM IN THE REQUEST BY
3 THE SUPREME COURT ON BEHALF OF THE JUDICIAL BRANCH TO THE
4 GENERAL ASSEMBLY.

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

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

1 CLARIFY THE PROCEDURAL ASPECTS OF THE PROCEEDINGS, TO EXPLAIN
2 THE RIGHTS OF THE SUBJECT OF THE INVESTIGATION TO A FAIR HEARING
3 WITHOUT PREJUDGMENT, OR TO PROVIDE THE RESPONSE OF THE SUBJECT
4 OF THE INVESTIGATION TO THE COMPLAINT. IN ACTING TO DISMISS A
5 COMPLAINT FOR LACK OF PROBABLE CAUSE TO FILE FORMAL CHARGES, THE
6 BOARD MAY, AT ITS DISCRETION, ISSUE A STATEMENT OR REPORT TO THE
7 COMPLAINANT OR TO THE SUBJECT OF THE COMPLAINT, WHICH MAY
8 CONTAIN THE IDENTITY OF THE COMPLAINANT, THE IDENTITY OF THE
9 SUBJECT OF THE COMPLAINT, THE CONTENTS AND NATURE OF THE
10 COMPLAINT, THE ACTIONS TAKEN IN THE CONDUCT OF THE INVESTIGATION
11 AND THE RESULTS AND CONCLUSIONS OF THE INVESTIGATION. THE BOARD
12 MAY INCLUDE WITH A REPORT A COPY OF INFORMATION OR EVIDENCE
13 ACQUIRED IN THE COURSE OF THE INVESTIGATION.

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

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

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

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

1 COURTS OF COMMON PLEAS, THE SUPERIOR COURT OR THE COMMONWEALTH
2 COURT; ONE LAW-TRAINED DISTRICT JUSTICE; ONE MEMBER OF THE BAR
3 OF THE SUPREME COURT; AND TWO NON-LAWYER ELECTORS. THE JUDGES
4 AND THE DISTRICT JUSTICE SHALL BE APPOINTED TO THE COURT BY THE
5 SUPREME COURT. THE MEMBER OF THE BAR OF THE SUPREME COURT AND
6 THE TWO NON-LAWYER ELECTORS SHALL BE APPOINTED TO THE COURT BY
7 THE GOVERNOR, WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE
8 MEMBERS ELECTED TO THE SENATE. THE SENATE SHALL ACT ON EACH
9 NOMINATION WITHIN 90 DAYS OF ITS SUBMISSION. IF THE SENATE DOES
10 NOT ACT ON THE NOMINATION WITHIN 90 DAYS, THE APPOINTMENT SHALL
11 OCCUR AUTOMATICALLY WITHOUT THE SENATE'S ADVICE AND CONSENT.

12 (2) EXCEPT FOR THE INITIAL APPOINTEES, WHOSE TERMS SHALL BE
13 PROVIDED BY THE SCHEDULE TO THIS ARTICLE, EACH MEMBER SHALL
14 SERVE FOR A TERM OF FOUR YEARS; HOWEVER, THE MEMBER, RATHER THAN
15 THE MEMBER'S SUCCESSOR, SHALL CONTINUE TO PARTICIPATE IN ANY
16 HEARING IN PROGRESS AT THE END OF THE MEMBER'S TERM. ALL MEMBERS
17 MUST BE RESIDENTS OF THIS COMMONWEALTH. NO MORE THAN TWO OF THE
18 MEMBERS APPOINTED BY THE SUPREME COURT MAY BE REGISTERED IN THE
19 SAME POLITICAL PARTY. NO MORE THAN TWO OF THE MEMBERS APPOINTED
20 BY THE GOVERNOR MAY BE REGISTERED IN THE SAME POLITICAL PARTY.
21 MEMBERSHIP OF A JUDGE OR DISTRICT JUSTICE SHALL TERMINATE IF THE
22 JUDGE OR DISTRICT JUSTICE CEASES TO HOLD THE JUDICIAL POSITION
23 THAT QUALIFIED THE JUDGE OR DISTRICT JUSTICE FOR APPOINTMENT.
24 MEMBERSHIP SHALL TERMINATE IF A MEMBER ATTAINS A POSITION THAT
25 WOULD HAVE RENDERED THAT PERSON INELIGIBLE FOR APPOINTMENT AT
26 THE TIME OF THE APPOINTMENT. A VACANCY ON THE COURT SHALL BE
27 FILLED BY THE RESPECTIVE APPOINTING AUTHORITY FOR THE REMAINDER
28 OF THE TERM TO WHICH THE MEMBER WAS APPOINTED IN THE SAME MANNER
29 IN WHICH THE ORIGINAL APPOINTMENT OCCURRED. NO MEMBER OF THE
30 COURT MAY SERVE MORE THAN FOUR CONSECUTIVE YEARS BUT MAY BE

1 REAPPOINTED AFTER A LAPSE OF ONE YEAR.

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

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

21 (5) UPON THE FILING OF FORMAL CHARGES WITH THE COURT BY THE
22 BOARD, THE COURT SHALL PROMPTLY SCHEDULE A HEARING OR HEARINGS
23 TO DETERMINE WHETHER A SANCTION SHOULD BE IMPOSED AGAINST A
24 JUSTICE, JUDGE OR DISTRICT JUSTICE PURSUANT TO THE PROVISIONS OF
25 THIS SECTION. THE COURT SHALL BE A COURT OF RECORD, WITH ALL THE
26 ATTENDANT DUTIES AND POWERS APPROPRIATE TO ITS FUNCTION. ALL
27 HEARINGS CONDUCTED BY THE COURT SHALL BE PUBLIC PROCEEDINGS,
28 CONDUCTED PURSUANT TO THE RULES ADOPTED BY THE COURT AND IN
29 ACCORDANCE WITH THE PRINCIPLES OF DUE PROCESS AND THE LAW OF
30 EVIDENCE. PARTIES APPEARING BEFORE THE COURT SHALL HAVE A RIGHT

1 TO DISCOVERY PURSUANT TO THE RULES ADOPTED BY THE COURT AND
2 SHALL HAVE THE RIGHT TO SUBPOENA WITNESSES AND TO COMPEL THE
3 PRODUCTION OF DOCUMENTS, BOOKS, ACCOUNTS AND OTHER RECORDS AS
4 RELEVANT. THE SUBJECT OF THE CHARGES SHALL BE PRESUMED INNOCENT
5 IN ANY PROCEEDING BEFORE THE COURT, AND THE BOARD SHALL HAVE THE
6 BURDEN OF PROVING THE CHARGES BY CLEAR AND CONVINCING EVIDENCE.
7 ALL DECISIONS OF THE COURT SHALL BE IN WRITING AND SHALL CONTAIN
8 FINDINGS OF FACT AND CONCLUSIONS OF LAW. A DECISION OF THE COURT
9 MAY ORDER REMOVAL FROM OFFICE, SUSPENSION, CENSURE OR OTHER
10 DISCIPLINE AS AUTHORIZED BY THIS SECTION AND AS WARRANTED BY THE
11 RECORD. HEARINGS BEFORE THE COURT MAY BE CONDUCTED BY A MEMBER
12 OR BY A QUALIFIED HEARING OFFICER APPOINTED BY THE COURT.

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

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

20 (1) A JUSTICE, JUDGE OR DISTRICT JUSTICE SHALL HAVE THE
21 RIGHT TO APPEAL A FINAL ADVERSE ORDER OF DISCIPLINE OF THE
22 COURT. A JUDGE OR DISTRICT JUSTICE SHALL HAVE THE RIGHT TO
23 APPEAL TO THE SUPREME COURT IN A MANNER CONSISTENT WITH RULES
24 ADOPTED BY THE SUPREME COURT; A JUSTICE SHALL HAVE THE RIGHT TO
25 APPEAL TO A SPECIAL TRIBUNAL COMPOSED OF SEVEN JUDGES, OTHER
26 THAN SENIOR JUDGES, CHOSEN BY LOT FROM THE JUDGES OF THE
27 SUPERIOR COURT AND COMMONWEALTH COURT WHO DO NOT SIT ON THE
28 COURT OF JUDICIAL DISCIPLINE OR THE BOARD, IN A MANNER
29 CONSISTENT WITH RULES ADOPTED BY THE SUPREME COURT. THE SPECIAL
30 TRIBUNAL SHALL HEAR AND DECIDE THE APPEAL IN THE SAME MANNER IN

1 WHICH THE SUPREME COURT WOULD HEAR AND DECIDE AN APPEAL FROM AN
2 ORDER OF THE COURT.

3 (2) ON APPEAL, THE SUPREME COURT OR SPECIAL TRIBUNAL SHALL
4 REVIEW THE RECORD OF THE PROCEEDINGS OF THE COURT AS FOLLOWS: ON
5 THE LAW, THE SCOPE OF REVIEW IS PLENARY; ON THE FACTS, THE SCOPE
6 OF REVIEW IS CLEARLY ERRONEOUS; AND AS TO SANCTIONS, THE SCOPE
7 OF REVIEW IS ABUSE OF DISCRETION. THE SUPREME COURT OR SPECIAL
8 TRIBUNAL MAY REVISE OR REJECT AN ORDER OF THE COURT UPON A
9 DETERMINATION THAT THE ORDER DID NOT SUSTAIN THIS STANDARD OF
10 REVIEW; OTHERWISE, THE SUPREME COURT OR SPECIAL TRIBUNAL SHALL
11 AFFIRM THE ORDER OF THE COURT. THE SUPREME COURT OR SPECIAL
12 TRIBUNAL MAY REMAND THE MATTER TO THE COURT FOR THE
13 CONSIDERATION OF ADDITIONAL EVIDENCE WHICH WAS EXCLUDED BY THE
14 COURT OR WHICH BECAME AVAILABLE SUBSEQUENT TO THE CONCLUSION OF
15 THE PROCEEDINGS BEFORE THE COURT.

16 (3) AN ORDER OF THE COURT WHICH DISMISSES A COMPLAINT
17 AGAINST A JUDGE OR DISTRICT JUSTICE MAY BE APPEALED BY THE BOARD
18 TO THE SUPREME COURT, BUT THE APPEAL SHALL BE LIMITED TO
19 QUESTIONS OF LAW. AN ORDER OF THE COURT WHICH DISMISSES A
20 COMPLAINT AGAINST A JUSTICE OF THE SUPREME COURT MAY BE APPEALED
21 BY THE BOARD TO A SPECIAL TRIBUNAL IN ACCORDANCE WITH PARAGRAPH
22 (1), BUT THE APPEAL SHALL BE LIMITED TO QUESTIONS OF LAW.

23 (4) NO JUSTICE, JUDGE OR DISTRICT JUSTICE MAY PARTICIPATE AS
24 A MEMBER OF THE BOARD, THE COURT, A SPECIAL TRIBUNAL, OR THE
25 SUPREME COURT IN ANY PROCEEDING IN WHICH THE JUSTICE, JUDGE OR
26 DISTRICT JUSTICE IS A COMPLAINANT, THE SUBJECT OF A COMPLAINT, A
27 PARTY OR A WITNESS.

28 (D) A JUSTICE, JUDGE OR DISTRICT JUSTICE SHALL BE SUBJECT TO
29 DISCIPLINARY ACTION PURSUANT TO THIS SECTION AS FOLLOWS:

30 (1) A JUSTICE, JUDGE OR DISTRICT JUSTICE MAY BE SUSPENDED,

1 REMOVED FROM OFFICE OR OTHERWISE DISCIPLINED FOR CONVICTION OF A
2 FELONY; VIOLATION OF SECTION 17 OF THIS ARTICLE; MISCONDUCT IN
3 OFFICE; NEGLIGENCE OR FAILURE TO PERFORM THE DUTIES OF OFFICE OR
4 CONDUCT WHICH PREJUDICES THE PROPER ADMINISTRATION OF JUSTICE OR
5 BRINGS THE JUDICIAL OFFICE INTO DISREPUTE, WHETHER OR NOT THE
6 CONDUCT OCCURRED WHILE ACTING IN A JUDICIAL CAPACITY OR IS
7 PROHIBITED BY LAW; OR CONDUCT IN VIOLATION OF A CANON OR RULE
8 PRESCRIBED BY THE SUPREME COURT. IN THE CASE OF A MENTALLY OR
9 PHYSICALLY DISABLED JUSTICE, JUDGE OR DISTRICT JUSTICE, THE
10 COURT MAY ENTER AN ORDER OF REMOVAL FROM OFFICE, RETIREMENT,
11 SUSPENSION OR OTHER LIMITATIONS ON THE ACTIVITIES OF THE
12 JUSTICE, JUDGE OR DISTRICT JUSTICE AS WARRANTED BY THE RECORD.
13 UPON A FINAL ORDER OF THE COURT FOR SUSPENSION WITHOUT PAY OR
14 REMOVAL, PRIOR TO ANY APPEAL, THE JUSTICE OR JUDGE SHALL BE
15 SUSPENDED OR REMOVED FROM OFFICE; AND THE SALARY OF THE JUSTICE
16 OR JUDGE SHALL CEASE FROM THE DATE OF THE ORDER.

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

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

29 (4) A JUSTICE, JUDGE OR DISTRICT JUSTICE WHO FILES FOR
30 NOMINATION FOR OR ELECTION TO ANY PUBLIC OFFICE OTHER THAN A

1 JUDICIAL OFFICE SHALL FORFEIT AUTOMATICALLY HIS JUDICIAL OFFICE.

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

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

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

11 [THE SELECTION OF THE FIRST MEMBERS OF THE JUDICIAL INQUIRY
12 AND REVIEW BOARD SHALL BE MADE AS FOLLOWS: ONE JUDGE OF THE
13 SUPERIOR COURT, ONE NON-JUDGE MEMBER OF THE BAR OF THE SUPREME
14 COURT, AND ONE NON-LAWYER MEMBER SHALL BE SELECTED FOR TWO-YEAR
15 TERMS; ONE JUDGE OF THE SUPERIOR COURT, ONE NON-JUDGE MEMBER OF
16 THE BAR OF THE SUPREME COURT, AND ONE NON-LAWYER MEMBER SHALL BE
17 SELECTED FOR FOUR-YEAR TERMS; ONE JUDGE OF THE COURT OF COMMON
18 PLEAS SHALL BE SELECTED FOR A TERM OF TWO YEARS, ONE FOR A TERM
19 OF THREE YEARS, AND ONE FOR A TERM OF FOUR YEARS.]

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

26 (B) OF THE MEMBERS INITIALLY APPOINTED TO THE JUDICIAL
27 CONDUCT BOARD: THE JUDGE FIRST APPOINTED SHALL SERVE A FOUR-YEAR
28 TERM; AND THE JUDGE NEXT APPOINTED SHALL SERVE A THREE-YEAR
29 TERM. THE DISTRICT JUSTICE INITIALLY APPOINTED SHALL SERVE A
30 TWO-YEAR TERM. OF THE THREE NON-JUDGE MEMBERS OF THE BAR OF THE

1 SUPREME COURT INITIALLY APPOINTED: THE FIRST APPOINTED SHALL
2 SERVE A THREE-YEAR TERM; THE NEXT APPOINTED SHALL SERVE A TWO-
3 YEAR TERM; AND THE THIRD APPOINTED SHALL SERVE A ONE-YEAR TERM.
4 OF THE SIX NON-LAWYER ELECTORS INITIALLY APPOINTED: THE FIRST
5 APPOINTED SHALL SERVE A FOUR-YEAR TERM; THE NEXT APPOINTED SHALL
6 SERVE A THREE-YEAR TERM, THE NEXT TWO APPOINTED SHALL SERVE TWO-
7 YEAR TERMS AND THE NEXT TWO APPOINTED SHALL SERVE ONE-YEAR
8 TERMS.

9 (C) OF THE THREE JUDGES INITIALLY APPOINTED TO THE COURT OF
10 JUDICIAL DISCIPLINE: THE FIRST APPOINTED SHALL SERVE A FOUR-YEAR
11 TERM; THE NEXT APPOINTED SHALL SERVE A THREE-YEAR TERM AND THE
12 THIRD APPOINTED SHALL SERVE A TWO-YEAR TERM. THE DISTRICT
13 JUSTICE INITIALLY APPOINTED SHALL SERVE A ONE-YEAR TERM. THE
14 MEMBER OF THE BAR INITIALLY APPOINTED SHALL SERVE A FOUR-YEAR
15 TERM. OF THE TWO NON-LAWYER ELECTORS INITIALLY APPOINTED, THE
16 FIRST APPOINTED SHALL SERVE A THREE-YEAR TERM, AND THE NEXT
17 APPOINTED SHALL SERVE A TWO-YEAR TERM.

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

24 (b) Of the members initially appointed to the Judicial
25 Conduct Board, the appellate court judge and the common pleas
26 court judge first appointed shall serve four-year terms. The
27 second common pleas court judge and the justice of the peace
28 first appointed shall serve three-year terms. The non-judge
29 member of the bar of the Supreme Court first appointed by the
30 Governor shall serve a four-year term, and the second non-judge

1 member shall serve a two-year term. Of the non-lawyer electors
2 appointed by the Governor, the first two appointed shall serve
3 four-year terms; the next one appointed shall serve a three-year
4 term; and the final two appointed shall serve two-year terms.

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

12 Section 3. Upon passage by the General Assembly of this
13 proposed constitutional amendment, the Secretary of the
14 Commonwealth shall proceed immediately to comply with the
15 advertising requirements of section 1 of Article XI of the
16 Constitution of Pennsylvania and shall transmit the required
17 advertisements to two newspapers in every county in which such
18 newspapers shall be published in sufficient time after passage
19 of this proposed constitutional amendment. Upon the second
20 passage of this proposed constitutional amendment by the General
21 Assembly, the Secretary of the Commonwealth shall proceed
22 immediately to comply with the advertising requirements of
23 section 1 of Article XI of the Constitution of Pennsylvania and
24 shall transmit the required advertisements to two newspapers in
25 every county in which such newspapers shall be published in
26 sufficient time after passage of this proposed constitutional
27 amendment. The Secretary of the Commonwealth shall submit this
28 proposed constitutional amendment to the qualified electors of
29 this Commonwealth at the first primary, general or municipal
30 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.