

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 539 Session of 1989

INTRODUCED BY DeWEESE, KUKOVICH, CALTAGIRONE, O'DONNELL, KOSINSKI, BLAUM, EVANS, ROBINSON, VEON, McHALE, MORRIS, BOYES, FLICK, CORRIGAN, MELIO, BELARDI, CAPPABIANCA, FREEMAN, TIGUE, FOX, DALEY, HAGARTY, CAWLEY, MERRY, BUNT, JOSEPHS, D. W. SNYDER, COY, COLAIZZO, BELFANTI, BATTISTO, PISTELLA, GIGLIOTTI, RITTER, HASAY, HECKLER, LEVDANSKY, HERMAN, BILLOW, HAYDEN, PRESSMANN, BUSH, HOWLETT AND NOYE, FEBRUARY 16, 1989

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 14, 1989

## A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of  
2 Pennsylvania, changing provisions relating to judicial  
3 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 to the Constitution of  
7 Pennsylvania are proposed in accordance with Article XI:

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

9 § 17. Prohibited activities and financial disclosure.

10 (a) Justices and judges shall devote full time to their  
11 judicial duties, and shall not engage in the practice of law,  
12 hold office in a political party or political organization, or  
13 hold an office or position of profit in the government of the  
14 United States, the Commonwealth or any municipal corporation or  
15 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 disclosure than provided by law for  
20 members of the General Assembly. In addition, such disclosure  
21 shall include that information deemed necessary for the fair and  
22 impartial administration of justice. These requirements shall  
23 prohibit any justice, judge, justice of the peace or other  
24 officer or employee of the system from taking the oath of office  
25 or entering or continuing upon his or her duties or receiving  
26 compensation from public funds unless he or she has complied  
27 with such financial disclosure requirements.

28 (2) That section 18 of Article V be amended to read:

29 [§ 18. Suspension, removal, discipline and compulsory  
30 retirement.

<—

(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.] ~~There shall be a Judicial Conduct Board having 11~~

§ 18. JUDICIAL CONDUCT BOARD.

(A) THERE SHALL BE A JUDICIAL CONDUCT BOARD HAVING 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.

(b) [The] 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 successor, shall continue to participate in any  
hearing in progress at the end of his term. Board membership by  
a judge shall terminate if the member ceases to hold the  
judicial position that qualified him for the appointment.  
Membership shall also terminate if a member attains a position  
that would have rendered him ineligible for appointment at the  
time of his 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 member  
only for cause. No member shall serve more than four consecutive  
years[; he] but may be reappointed after a lapse of one year.

1 [Annually] The Governor shall convene the board for its first  
2 meeting, and at that meeting and annually thereafter the members  
3 of the board shall elect a chairman. The board shall act only  
4 with the concurrence of a majority of its members.

5 (c) A member shall not hold office in a political party or  
6 political organization. [Members, other than judges, shall be  
7 compensated for their services as the Supreme Court shall  
8 prescribe.] All members shall be reimbursed for expenses  
9 necessarily incurred in the discharge of their official duties.

10 ~~The board shall appoint a full time executive director, a~~ <—  
11 ~~counsel and such other staff as it shall deem necessary and~~  
12 ~~proper, shall adopt rules for its operation and shall annually~~  
13 ~~submit a proposed operating budget to the General Assembly and~~  
14 ~~the Governor.~~

15 [(d) Under the procedure prescribed herein, any justice <—  
16 ~~for~~, judge ~~or justice of the peace~~ may be suspended, removed <—  
17 from office or otherwise disciplined ~~or censured~~ for violation <—  
18 of section 17 of this article, misconduct in office, neglect of  
19 duty, failure to perform ~~this duties~~ ~~the duties of that office~~, <—  
20 or conduct which prejudices the proper administration of justice  
21 or brings the judicial office into disrepute, ~~whether or not~~ <—  
22 ~~such conduct occurred while acting in a judicial capacity or is~~  
23 ~~prohibited by law~~, and may be retired for disability seriously  
24 interfering with the performance of his duties.

25 (e) The board shall keep informed as to matters relating to  
26 grounds for suspension, removal, discipline, ~~censure~~ or <—  
27 compulsory retirement of justices ~~for~~, judges ~~or justices of~~ <—  
28 ~~the peace~~. It shall receive complaints or reports, formal or  
29 informal, from any source pertaining to such matters, and shall  
30 make such preliminary investigations as it deems necessary, <—

1 ~~which preliminary investigations shall be confidential.~~

2 (f) The board, after such investigation ~~and having found~~ <—  
3 ~~probable cause~~, may order a hearing concerning the suspension,  
4 removal, discipline, ~~censure~~ or compulsory retirement of a <—  
5 justice ~~for~~, judge ~~or justice of the peace. If the continued~~ <—  
6 ~~service of a justice, judge or justice of the peace poses a~~  
7 ~~substantial and imminent threat to the fair and impartial~~  
8 ~~administration of justice, or if the justice, judge or justice~~  
9 ~~of the peace has been indicted for a felony, the board may order~~  
10 ~~the immediate suspension of said justice, judge or justice of~~  
11 ~~the peace, with or without compensation, pending a final~~  
12 ~~resolution of the matter.~~ The board's orders for attendance of  
13 or testimony by witnesses or for the production of documents at  
14 any hearing or investigation shall be enforceable by contempt  
15 proceedings. ~~Any hearing ordered by the board shall be conducted~~ <—  
16 ~~consistent with the principles of due process and the rules of~~  
17 ~~evidence and shall be confidential except that the justice,~~  
18 ~~judge or justice of the peace who is the subject of the~~  
19 ~~proceeding may waive confidentiality.~~

20 (g) ~~†If, after hearing, the board finds good cause therefor,~~ <—  
21 it shall recommend to the Supreme Court the suspension, removal,  
22 discipline or compulsory retirement of the justice or judge.† <—  
23 ~~If, after hearing, the board finds good cause therefor, it shall~~ <—  
24 ~~order that a justice, judge or justice of the peace be suspended~~  
25 ~~with or without compensation, removed, disciplined, censured or~~  
26 ~~compulsorily retired. The board shall file the record of any~~  
27 ~~hearing conducted by it with the Supreme Court within ten days~~  
28 ~~of its order whether or not it ordered suspension, removal,~~  
29 ~~discipline, censure or compulsory retirement. Upon the filing,~~  
30 ~~the board shall make available for public inspection at the~~

~~principal office of the board the nature and disposition of each charge, all findings of fact, and an opinion containing conclusions of law and any order of the board.~~

(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.] ~~Upon the entry of an order by the~~

~~board, the procedure shall be as follows:~~

~~(1) The justice, judge or justice of the peace involved may either accept the order of the board or make written request to the Chief Justice within 30 days after receipt of the order for a review thereof by the Supreme Court.~~

~~(2) If the justice, judge or justice of the peace accepts the order of the board or fails to request a review thereof by the Supreme Court, the order of the board shall be effective. Upon an order for compulsory retirement, the justice, judge or justice of the peace shall be retired with the same rights and privileges were he retired under section 16 of this article. Upon an order for suspension without compensation or an order~~

~~for removal, the justice, judge or justice of the peace shall be suspended or removed from office and his salary shall cease from the date of the order.~~

~~(3) If the justice, judge or justice of the peace seeks review of an order of the board, the Supreme Court shall review the board's findings of fact and conclusions of law and the record of the proceedings upon which the board's determination was based. After the review, the Supreme Court may affirm, revise or reject the ordered sanction.~~

~~(4) If, after hearing, the board decides not to order suspension, removal, discipline, censure or compulsory retirement, or where an order is entered, the Supreme Court may, on its own motion, and shall, upon the petition of at least four members of the board, have the decision of the board reviewed. Any review of the decision of the board shall be initiated within 30 days of the date that the record and decision of the board is filed with the Supreme Court. After the review, the Supreme Court may affirm the decision of the board or impose a sanction upon the justice, judge or justice of the peace.~~

~~(5) In reviewing an order of the board under clauses (3) and (4), the Supreme Court shall complete its review and render its judgment within 60 days of the request for review. If the review is not completed and judgment not rendered within 60 days, the order of the board shall be imposed by the board. At the end of the 60 day period, whether or not the review is completed, the entire record of the board and the Supreme Court shall be made public and made available for public inspection at the principal office of the board.~~

~~(i) No justice for, judge or justice of the peace shall participate as a member of the board or of the Supreme Court in~~

<—

1 any proceeding involving his suspension, removal, discipline, ~~—~~ <—  
2 ~~censure~~ or compulsory retirement.

3 ~~(j) No judge shall participate as a member of the board in~~ <—  
4 ~~any proceeding involving a judge of the same court.~~

5 ~~†(j)†(k)~~ The Supreme Court shall prescribe rules of <—  
6 procedure ~~†under this section†~~ ~~for its review of decisions by~~ <—  
7 ~~the board.~~

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

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

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

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

25 (D) THE JUDICIAL CONDUCT BOARD SHALL RECEIVE AND INVESTIGATE <—  
26 COMPLAINTS REGARDING JUDICIAL CONDUCT FILED BY INDIVIDUALS OR  
27 INITIATED BY JUDICIAL CONDUCT BOARD; PROMULGATE RULES FOR  
28 DETERMINING WHETHER A COMPLAINT IS REASONABLY BASED; ISSUE  
29 SUBPOENAS TO COMPEL TESTIMONY UNDER OATH OF WITNESSES, INCLUDING  
30 THE SUBJECT OF THE INVESTIGATION, AND TO COMPEL THE PRODUCTION



1 OF DOCUMENTS, BOOKS, ACCOUNTS AND OTHER RECORDS RELEVANT TO THE  
2 INVESTIGATION; DETERMINE WHETHER THERE IS PROBABLE CAUSE TO FILE  
3 FORMAL CHARGES AGAINST A JUSTICE, JUDGE OF JUSTICE OF THE PEACE,  
4 FOR NEGLECT OR FAILURE TO PERFORM THE DUTIES OF OFFICE, FOR  
5 CONDUCT WHICH PREJUDICES THE PROPER ADMINISTRATION OF JUSTICE OR  
6 BRINGS THE JUDICIAL OFFICE INTO DISREPUTE, WHETHER OR NOT SUCH  
7 CONDUCT OCCURRED WHILE ACTING IN A JUDICIAL CAPACITY OR IS  
8 PROHIBITED BY LAW, AND FOR CONDUCT IN VIOLATION OF A CANON OR  
9 RULE PRESCRIBED BY THE SUPREME COURT, A FINDING OF WHICH SHALL  
10 REQUIRE THE CONCURRENCE OF A MAJORITY OF THE JUDICIAL CONDUCT  
11 BOARD, AND PRESENT THE CASE IN SUPPORT OF THE CHARGES AS  
12 DESCRIBED HEREIN; BY A MAJORITY VOTE, APPOINT COUNSEL AND OTHER  
13 STAFF; PREPARE AND ADMINISTER ITS OWN BUDGET AS PROVIDED BY LAW;  
14 AND ESTABLISH AND PROMULGATE ITS OWN RULES OF PROCEDURE. THE  
15 BUDGET REQUEST OF THE JUDICIAL CONDUCT BOARD SHALL BE MADE  
16 SEPARATELY TO THE GENERAL ASSEMBLY AND NOT AS AN ITEM IN THE  
17 REQUEST BY THE SUPREME COURT ON BEHALF OF THE JUDICIAL SYSTEM.

18 (E) THE JUSTICE, JUDGE OR JUSTICE OF THE PEACE WHOSE CONDUCT  
19 IS THE SUBJECT OF AN INVESTIGATION BY THE JUDICIAL CONDUCT BOARD  
20 SHALL BE GIVEN AN OPPORTUNITY TO FULLY RESPOND TO THE COMPLAINT.  
21 THE JUSTICE, JUDGE OR JUSTICE OF THE PEACE SHALL BE PERMITTED TO  
22 ISSUE SUBPOENAS AND TAKE TESTIMONY UNDER OATH OF WITNESSES AND  
23 TO COMPEL THE PRODUCTION OF DOCUMENTS, BOOKS, ACCOUNTS AND OTHER  
24 RECORDS RELEVANT TO THE INVESTIGATION.

25 (F) UNTIL A DETERMINATION OF PROBABLE CAUSE HAS BEEN MADE  
26 AND FORMAL CHARGES HAVE BEEN FILED, ALL PROCEEDINGS SHALL BE  
27 CONFIDENTIAL EXCEPT WHEN THE JUSTICE, JUDGE OR JUSTICE OF THE  
28 PEACE UNDER INVESTIGATION WAIVES CONFIDENTIALITY, OR IN ANY CASE  
29 IN WHICH, INDEPENDENT OF ANY ACTION BY THE JUDICIAL CONDUCT  
30 BOARD, THE FACT THAT AN INVESTIGATION IS IN PROCESS BECOMES

1 PUBLIC, IN WHICH CASE THE JUDICIAL CONDUCT BOARD MAY, AT THE  
2 DIRECTION OF THE JUSTICE, JUDGE OR JUSTICE OF THE PEACE UNDER  
3 INVESTIGATION, ISSUE A STATEMENT TO CONFIRM THE PENDENCY OF THE  
4 INVESTIGATION, TO CLARIFY THE PROCEDURAL ASPECTS OF THE  
5 PROCEEDINGS, TO EXPLAIN THE RIGHT OF THE JUSTICE, JUDGE OR  
6 JUSTICE OF THE PEACE TO A FAIR HEARING WITHOUT PREJUDGMENT, OR  
7 TO STATE THAT THE JUSTICE, JUDGE OR JUSTICE OF THE PEACE DENIES  
8 THE ALLEGATIONS.

9 (G) MEMBERS OF THE JUDICIAL CONDUCT BOARD AND ITS COUNSEL  
10 AND STAFF SHALL BE ABSOLUTELY IMMUNE FROM SUIT FOR ALL CONDUCT  
11 IN THE COURSE OF THEIR OFFICIAL DUTIES.

12 (3) THAT ARTICLE V BE AMENDED BY ADDING SECTIONS TO READ:  
13 § 19. COURT OF JUDICIAL DISCIPLINE.

14 (A) THE COURT OF JUDICIAL DISCIPLINE SHALL BE COMPOSED OF A  
15 TOTAL OF SEVEN MEMBERS: THREE OF WHOM SHALL BE OF THE BAR OF THE  
16 SUPREME COURT, ONE OF WHOM IS NOT A JUSTICE, JUDGE OR A JUSTICE  
17 OF THE PEACE, ONE OF WHOM IS A JUDGE, OTHER THAN A SENIOR JUDGE,  
18 FROM THE COURTS OF COMMON PLEAS, AND ONE OF WHOM IS A JUDGE,  
19 OTHER THAN A SENIOR JUDGE, OF THE SUPERIOR COURT OR THE  
20 COMMONWEALTH COURT; THREE LAY MEMBERS WHO ARE ADULT RESIDENTS OF  
21 THIS COMMONWEALTH; AND ONE JUSTICE OF THE PEACE. MEMBERS OF THE  
22 COURT OF JUDICIAL DISCIPLINE SHALL BE APPOINTED BY THE GOVERNOR.

23 (B) EXCEPT FOR THE INITIAL APPOINTEES WHOSE TERMS SHALL BE  
24 PROVIDED BY THE SCHEDULE TO THIS ARTICLE, THE MEMBERS SHALL  
25 SERVE FOR TERMS OF FOUR YEARS, PROVIDED THAT A MEMBER, RATHER  
26 THAN HIS SUCCESSOR, SHALL CONTINUE TO PARTICIPATE IN ANY HEARING  
27 IN PROGRESS AT THE END OF THIS TERM. COURT OF JUDICIAL  
28 DISCIPLINE MEMBERSHIP BY A JUDGE SHALL TERMINATE IF THE JUDGE  
29 CEASES TO HOLD THE JUDICIAL POSITION THAT QUALIFIED HIM FOR  
30 COURT OF JUDICIAL DISCIPLINE APPOINTMENT. COURT OF JUDICIAL

1 DISCIPLINE MEMBERSHIP SHALL ALSO TERMINATE IF A MEMBER ATTAINS A  
2 POSITION THAT WOULD HAVE RENDERED HIM INELIGIBLE FOR APPOINTMENT  
3 AT THE TIME OF HIS APPOINTMENT. A VACANCY ON THE COURT OF  
4 JUDICIAL DISCIPLINE SHALL BE FILLED BY THE GOVERNOR FOR THE  
5 BALANCE OF THE TERM. NO MEMBER OF THE COURT OF JUDICIAL  
6 DISCIPLINE SHALL SERVE MORE THAN FOUR CONSECUTIVE YEARS BUT MAY  
7 BE REAPPOINTED AFTER A LAPSE OF ONE YEAR. NO MEMBER OF THE COURT  
8 OF JUDICIAL DISCIPLINE, DURING HIS TERM OF SERVICE, SHALL HOLD  
9 OFFICE IN ANY POLITICAL PARTY OR POLITICAL ORGANIZATION. EXCEPT  
10 FOR A JUDICIAL MEMBER, NO MEMBER OF THE COURT OF JUDICIAL  
11 DISCIPLINE, DURING HIS TERM OF SERVICE, SHALL HOLD A PUBLIC  
12 OFFICE OR PUBLIC APPOINTMENT, COMPENSATED OR UNCOMPENSATED.

13 (C) THE COURT OF JUDICIAL DISCIPLINE SHALL BE A COURT OF  
14 RECORD WITH ALL THE ATTENDANT DUTIES AND POWERS APPROPRIATE TO  
15 ITS FUNCTION, AND SHALL HOLD PUBLIC PROCEEDINGS, CONDUCTED  
16 CONSISTENT WITH THE PRINCIPLES OF DUE PROCESS AND THE RULES OF  
17 EVIDENCE; ENABLE PARTIES APPEARING BEFORE IT TO SUBPOENA  
18 WITNESSES AND TO COMPEL THE PRODUCTION OF DOCUMENTS, BOOKS,  
19 ACCOUNTS AND OTHER RECORDS AS RELEVANT; RENDER ITS DECISION IN  
20 WRITING, EACH DECISION TO INCLUDE ITS FINDING OF FACT,  
21 CONCLUSIONS OF LAW AND DISCUSSION OF REASONS; HAVE ITS  
22 PROCEEDINGS TRANSCRIBED; ORDER REMOVAL FROM OFFICE, SUSPENSION,  
23 CENSURE OR OTHER DISCIPLINE AS AUTHORIZED BY SECTION 20 OF THIS  
24 ARTICLE AND AS WARRANTED BY THE RECORD; APPOINT STAFF AND  
25 PREPARE AND ADMINISTER ITS OWN BUDGET AS PROVIDED BY LAW. ALL  
26 ACTIONS OF THE COURT OF JUDICIAL DISCIPLINE, INCLUDING  
27 DISCIPLINARY ACTION, SHALL REQUIRE THE CONCURRENCE OF A MAJORITY  
28 OF THE COURT. THE BUDGET REQUEST OF THE COURT OF JUDICIAL  
29 DISCIPLINE SHALL BE MADE SEPARATELY TO THE GENERAL ASSEMBLY, AND  
30 NOT AS AN ITEM IN THE REQUEST BY THE SUPREME COURT ON BEHALF OF

1 THE JUDICIAL SYSTEM.

2 (D) UPON THE FILING OF FORMAL CHARGES BY THE JUDICIAL  
3 CONDUCT BOARD, THE COURT OF JUDICIAL DISCIPLINE SHALL SCHEDULE A  
4 PROMPT HEARING TO DETERMINE WHETHER A SANCTION PURSUANT TO THE  
5 PROVISIONS OF SECTION 20 SHOULD BE IMPOSED. THE JUDICIAL CONDUCT  
6 BOARD SHALL HAVE THE BURDEN OF PROVING THE CONDUCT COMPLAINED OF  
7 BY CLEAR AND CONVINCING EVIDENCE.

8 (E) MEMBERS OF THE COURT OF JUDICIAL DISCIPLINE AND THE  
9 COURT'S STAFF SHALL BE ABSOLUTELY IMMUNE FROM SUIT FROM ALL  
10 CONDUCT IN THE COURSE OF THEIR OFFICIAL DUTIES.

11 § 20. SANCTIONS.

12 (A) THE COURT OF JUDICIAL DISCIPLINE SHALL, UNTIL THERE IS  
13 AN ACQUITTAL OR CONVICTION FOR THE FELONY OFFENSE, ORDER  
14 SUSPENDED WITHOUT PAY ANY JUSTICE, JUDGE OR JUSTICE OF THE PEACE  
15 AGAINST WHOM THERE HAS BEEN FILED AN INDICTMENT OR INFORMATION  
16 CHARGING A FELONY. AN INTERIM ORDER OF SUSPENSION, WITH OR  
17 WITHOUT PAY, MAY BE ENTERED AGAINST A JUSTICE, JUDGE OR JUSTICE  
18 OF THE PEACE AGAINST WHOM FORMAL CHARGES HAVE BEEN FILED WITH  
19 THE COURT OF JUDICIAL DISCIPLINE BY THE JUDICIAL CONDUCT BOARD.  
20 SUCH ORDER SHALL NOT BE IMMEDIATELY APPEALABLE.

21 (B) THE COURT OF JUDICIAL DISCIPLINE MAY ORDER SUSPENDED ANY  
22 JUSTICE, JUDGE OR JUSTICE OF THE PEACE AFTER A DETERMINATION  
23 THAT THE CONTINUED SERVICE OF THE JUSTICE, JUDGE OR JUSTICE OF  
24 THE PEACE POSES A SUBSTANTIAL OR IMMINENT THREAT TO THE FAIR AND  
25 IMPARTIAL ADMINISTRATION OF JUSTICE.

26 (C) ANY JUSTICE, JUDGE OR JUSTICE OF THE PEACE MAY BE  
27 SUSPENDED, REMOVED FROM OFFICE OR OTHERWISE DISCIPLINED FOR  
28 VIOLATION OF SECTION 17 OF THIS ARTICLE, MISCONDUCT IN OFFICE,  
29 NEGLECT OR FAILURE TO PERFORM THE DUTIES OF OFFICE, OR CONDUCT  
30 WHICH PREJUDICES THE PROPER ADMINISTRATION OF JUSTICE OR BRINGS

1 THE JUDICIAL OFFICE INTO DISREPUTE, WHETHER OR NOT SUCH CONDUCT  
2 OCCURRED WHILE ACTING IN A JUDICIAL CAPACITY OR IS PROHIBITED BY  
3 LAW, AND FOR CONDUCT IN VIOLATION OF A CANON OR RULE PRESCRIBED  
4 BY THE SUPREME COURT.

5 (D) UPON AN ORDER OF THE COURT OF JUDICIAL DISCIPLINE FOR  
6 SUSPENSION OR REMOVAL, THE JUSTICE OR JUDGE SHALL BE SUSPENDED  
7 OR REMOVED FROM OFFICE, AND HIS SALARY SHALL CEASE FROM THE DATE  
8 OF SUCH ORDER.

9 (E) A JUSTICE, JUDGE OR JUSTICE OF THE PEACE CONVICTED OF  
10 MISBEHAVIOR IN OFFICE BY A COURT, DISBARRED AS A MEMBER OF THE  
11 BAR OF THE SUPREME COURT OR REMOVED UNDER THIS SECTION SHALL  
12 FORFEIT AUTOMATICALLY HIS JUDICIAL OFFICE AND THEREAFTER BE  
13 INELIGIBLE FOR JUDICIAL OFFICE.

14 (F) A JUSTICE, JUDGE OR JUSTICE OF THE PEACE WHO FILES FOR  
15 NOMINATION FOR OR ELECTION TO ANY PUBLIC OFFICE OTHER THAN A  
16 JUDICIAL OFFICE SHALL FORFEIT AUTOMATICALLY HIS JUDICIAL OFFICE.

17 (G) THIS SECTION IS IN ADDITION TO AND NOT IN SUBSTITUTION  
18 FOR THE PROVISIONS FOR IMPEACHMENT FOR MISBEHAVIOR IN OFFICE  
19 CONTAINED IN ARTICLE VI. NO JUSTICE, JUDGE OR JUSTICE OF THE  
20 PEACE AGAINST WHOM IMPEACHMENT PROCEEDINGS ARE PENDING IN THE  
21 SENATE SHALL EXERCISE ANY OF THE DUTIES OF THE OFFICE UNTIL HE  
22 HAS BEEN ACQUITTED.

23 § 21. REVIEW OF COURT OF JUDICIAL DISCIPLINE.

24 (A) A JUSTICE, JUDGE OR JUSTICE OF THE PEACE, OTHER THAN A  
25 JUSTICE OF THE SUPREME COURT, IN A MANNER CONSISTENT WITH THE  
26 RULES OF THE SUPREME COURT, MAY APPEAL TO THE SUPREME COURT A  
27 FINAL ADVERSE ORDER OF THE COURT OF JUDICIAL DISCIPLINE. THE  
28 SUPREME COURT SHALL NOT REVIEW THE RECORD DE NOVO, BUT RATHER AS  
29 IT WOULD REVIEW THE RECORD TO DETERMINE WHETHER THE COURT OF  
30 JUDICIAL DISCIPLINE ABUSED ITS DISCRETION OR COMMITTED AN ERROR

1 OF LAW. THE SUPREME COURT MAY REVISE OR REJECT THE ORDER OF THE  
2 COURT OF JUDICIAL DISCIPLINE UPON A DETERMINATION THE ORDER  
3 CONTAINS ERROR OF LAW OR IS AN ABUSE OF DISCRETION; OTHERWISE  
4 THE SUPREME COURT SHALL AFFIRM THE ORDER OF THE COURT OF  
5 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 REVIEW PANEL  
9 CONSISTING OF THE FOUR MOST SENIOR MEMBERS OF THE SUPERIOR COURT  
10 AND THE THREE MOST SENIOR MEMBERS OF THE COMMONWEALTH COURT, WHO  
11 DO NOT THEMSELVES SIT ON THE COURT OF JUDICIAL DISCIPLINE. THE  
12 APPEAL SHALL IN ALL OTHER RESPECTS CONFORM WITH THE REQUIREMENTS  
13 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 OR THE SUPREME COURT IN ANY PROCEEDING  
17 INVOLVING HIS SUSPENSION, REMOVAL, DISCIPLINE OR COMPULSORY  
18 RETIREMENT.

19 Section 2. (a) The members of the Judicial Inquiry and  
20 Review Board appointed heretofore shall vacate their office 60  
21 days after the issuance of the proclamation certifying voter  
22 approval of the amendments to section 18 of Article V and all  
23 proceedings pending before the board and all records shall be  
24 transferred to the Judicial Conduct Board.

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

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

7 (C) OF THE MEMBERS INITIALLY APPOINTED TO THE COURT OF <—  
8 JUDICIAL DISCIPLINE, THE GOVERNOR SHALL APPOINT THREE MEMBERS  
9 FOR TERMS OF FOUR YEARS, TWO MEMBERS FOR TERMS OF THREE YEARS  
10 AND TWO MEMBERS FOR TERMS OF TWO YEARS.

11 Section 3. Paragraphs (1) ~~and (2)~~, (2) AND (3) of section 1 <—  
12 shall each be submitted by the Secretary of the Commonwealth as  
13 a separate question to the qualified electors of this  
14 Commonwealth at the primary, general or municipal election next  
15 held after the advertising requirements of section 1 of Article  
16 XI of the Constitution of Pennsylvania have been satisfied.