
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1996

Session of
1984

INTRODUCED BY RAPPAPORT, HAGARTY, KUKOVICH, KOSINSKI, WOGAN,
R. C. WRIGHT, LEVIN, McVERRY, LASHINGER, SWEET, BLAUM,
HOEFFEL, CORDISCO, PRATT, SPENCER, MAIALE, DAWIDA, REBER,
PICCOLA AND MAYERNIK, MARCH 19, 1984

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 27, 1984

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, changing and adding provisions relating to
3 the Judiciary.

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

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 18 of Article V be amended to read:

9 § 18. Suspension, removal, discipline and compulsory
10 retirement.

11 (a) There shall be a Judicial Inquiry and Review Board
12 having [nine] eleven members as follows: [three judges of the
13 courts of common pleas from different judicial districts and two
14 judges of the Superior Court, all of whom shall be selected by
15 the Supreme Court; and two non-judge members of the bar of the
16 Supreme Court and two non-lawyer electors, all of whom shall be

1 selected by the Governor] the president judge of the Superior
2 Court; the president judge of Commonwealth Court; two president
3 judges of the courts of common pleas, both of whom shall be
4 appointed by the Chief Justice; one district justice who shall
5 be learned in the law and who shall be appointed by the Chief
6 Justice; four electors MEMBERS, one of whom shall be appointed <—
7 by the Speaker of the House of Representatives, one by the
8 Minority Leader of the House of Representatives, one by the
9 President pro tempore of the Senate and one by the Minority
10 Leader of the Senate, PROVIDED, HOWEVER, THAT OF THE TWO MEMBERS <—
11 APPOINTED BY THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF
12 REPRESENTATIVES, ONE SHALL BE A NON-JUDGE MEMBER OF THE BAR OF
13 THE SUPREME COURT AND ONE SHALL BE A NON-LAWYER ELECTOR, AND OF
14 THE TWO MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE AND
15 MINORITY LEADER OF THE SENATE, ONE SHALL BE A NON-JUDGE MEMBER
16 OF THE BAR OF THE SUPREME COURT AND ONE SHALL BE A NON-LAWYER
17 ELECTOR; and two non-lawyer electors, both of whom shall be
18 appointed by the Governor.

19 (b) [The members shall serve for terms of four years,
20 provided that a member, rather than his successor, shall
21 continue to participate in any hearing in progress at the end of
22 his term.] The members appointed by the Chief Justice shall
23 serve for terms of four years. The members appointed by the
24 Speaker and Minority Leader of the House of Representatives and
25 the President pro tempore and Minority Leader of the Senate
26 shall serve for a term of two years commencing on the first
27 Tuesday of January in each odd-numbered year. The members
28 appointed by the Governor shall serve for a term of four years
29 concurrent with the term of the Governor. A vacancy on the board
30 shall be filled by the respective appointing authority for the

1 balance of the term. The respective appointing authority may
2 remove a member [only] for cause only. No appointed member shall
3 serve more than four consecutive years[; he] and may be
4 reappointed after a lapse of one year. Annually the members of
5 the board shall elect a chairman. The board shall act only with
6 the concurrence of a majority of its members.

7 (c) A member shall not hold office in a political party or
8 political organization. [Members, other than judges, shall be
9 compensated for their services as the Supreme Court shall
10 prescribe.] All members shall be reimbursed for expenses
11 necessarily incurred in the discharge of their official duties.
12 The board shall appoint an executive director, a disciplinary
13 counsel and such other staff as it shall deem necessary and
14 proper and shall adopt rules for its operation.

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

26 (e) The board shall keep informed as to matters relating to
27 grounds for suspension, removal, discipline, or compulsory
28 retirement of justices [or judges], JUDGES OR DISTRICT JUSTICES. <—
29 It shall receive complaints or reports, formal or informal, from
30 any source pertaining to such matters, and shall make such

1 preliminary investigations as it deems necessary, which
2 preliminary investigations shall be confidential.

3 (f) The board, after such investigation, and having found
4 probable cause, may order a hearing concerning the suspension,
5 removal, discipline or compulsory retirement of a justice [or <—
6 judge], JUDGE OR DISTRICT JUSTICE. The board's orders for <—
7 attendance of or testimony by witnesses or for the production of
8 documents at any hearing or investigation shall be enforceable
9 by contempt proceedings. The filing of papers with and the
10 giving of testimony before the board shall be privileged.

11 (g) If, after hearing, the board finds good cause therefor,
12 it ~~shall~~ [recommend to the Supreme Court] ORDER the suspension, <—
13 removal, discipline [or], compulsory retirement of the justice <—
14 or judge OR DISTRICT JUSTICE. ~~may order that a judge or justice~~ <—
15 ~~be suspended, removed, disciplined or compulsorily retired.~~ The
16 ~~judge or justice~~, JUSTICE OR DISTRICT JUSTICE involved may <—
17 either accept the order of the board or make written request to
18 the Chief Justice within 30 days after receipt of the
19 determination for a review of it by the Supreme Court. IF A <—
20 JUSTICE OF THE SUPREME COURT IS THE SUBJECT OF THE ORDER, THE
21 WRITTEN REQUEST SHALL BE MADE TO THE PRESIDENT JUDGE OF THE
22 SUPERIOR COURT AND THE REVIEW SHALL BE CONDUCTED BY THE SUPERIOR
23 COURT. The board shall file the record of any hearing conducted
24 by it with the reviewing court within ten days of its decision
25 whether or not it ordered suspension, removal, discipline or
26 compulsory retirement. Upon the filing, the board shall make
27 public its findings and conclusions and the record of its
28 proceedings. The information shall be made available for public
29 inspection at the principal office of the board.

30 (h) [The Supreme Court shall review the record of the

1 board's proceedings on the law and facts and may permit the
2 introduction of additional evidence. It shall order suspension,
3 removal, discipline or compulsory retirement, or wholly reject
4 the recommendation, as it finds just and proper. Upon an order
5 for compulsory retirement, the justice or judge shall be retired
6 with the same rights and privileges were he retired under
7 section 16 of this article. Upon an order for suspension or
8 removal, the justice or judge shall be suspended or removed from
9 office, and his salary shall cease from the date of such order.

10 All papers filed with and proceedings before the board shall be
11 confidential but upon being filed by the board in the Supreme
12 Court, the record shall lose its confidential character. The
13 filing of papers with and the giving of testimony before the
14 board shall be privileged.] (1) If the judge or justice, <—

15 JUSTICE OR DISTRICT JUSTICE accepts the order of the board or
16 fails to request a review of the order, the order shall be final
17 and binding. Upon an order for compulsory retirement, the
18 justice or judge, JUDGE OR DISTRICT JUSTICE shall be retired <—
19 with the same rights and privileges were he retired under
20 section 16 of this article. Upon an order for suspension or
21 removal, the judge or justice, JUSTICE OR DISTRICT JUSTICE shall <—
22 be suspended or removed from office and his salary shall cease
23 from the date of the order.

24 (2) If the judge or justice, JUSTICE OR DISTRICT JUSTICE <—
25 seeks review of an order of the board, the reviewing court shall
26 review the board's findings of fact and conclusions of law on
27 the record of the proceedings upon which the board's
28 determination was based and also allow the introduction of
29 additional evidence. After the review, the court may suspend or
30 reject the ordered sanction, impose a different sanction,

1 including suspension, removal, discipline or compulsory
2 retirement, or impose no sanction.

3 (3) If, after hearing, the board decides not to order
4 suspension, removal, discipline or compulsory retirement, the
5 reviewing court shall, upon the petition of at least three
6 members of the ~~board~~ TAKEN WITHIN 30 DAYS OF THE DETERMINATION, <—
7 review the board's decision. After the review, the court may
8 affirm the decision of the board or impose a sanction upon the
9 judge ~~or justice~~, JUSTICE OR DISTRICT JUSTICE. <—

10 (i) No justice [or judge], JUDGE OR DISTRICT JUSTICE shall <—
11 participate as a member of the board or of the [Supreme Court]
12 reviewing court in any proceeding involving, either directly or
13 indirectly, or otherwise collateral to, his suspension, removal,
14 discipline or compulsory retirement.

15 (J) NO JUDGE SHALL PARTICIPATE AS A MEMBER OF THE BOARD IN <—
16 ANY PROCEEDING INVOLVING THE SUSPENSION, REMOVAL, DISCIPLINE OR
17 COMPULSORY RETIREMENT OF A JUDGE OF THE SAME COURT. NOR SHALL
18 ANY MEMBER PARTICIPATE AS A MEMBER OF THE BOARD IN ANY
19 PROCEEDING INVOLVING THE SUSPENSION, REMOVAL, DISCIPLINE OR
20 COMPULSORY RETIREMENT OF A JUSTICE, JUDGE OR DISTRICT JUSTICE
21 WHO RESIDES IN THE SAME COUNTY AS THAT OF THE BOARD MEMBER.

22 [(j)] (K) The Supreme Court shall prescribe rules of <—
23 procedure [under this section] for review of decisions by the
24 board.

25 [(k) The Supreme Court shall prescribe rules of procedure <—
26 for the suspension, removal, discipline and compulsory
27 retirement of justices of the peace.] <—

28 (l) A justice, judge or justice of the peace convicted of
29 misbehavior in office by a court, disbarred as a member of the
30 bar of the Supreme Court or removed under this section 18 shall

1 forfeit automatically his judicial office and thereafter be
2 ineligible for judicial office.

3 (m) A justice [or judge], JUDGE OR DISTRICT JUSTICE who <—
4 shall file for nomination for or election to any public office
5 other than a judicial office shall forfeit automatically his
6 judicial office.

7 (n) This section is in addition to and not in substitution
8 for the provisions for impeachment for misbehavior in office
9 contained in Article VI. Upon request of the Speaker of the
10 House of Representatives, the Chairman of the Judicial Inquiry
11 and Review Board shall transmit to the Speaker all records of
12 its proceedings against any judge or justice, JUSTICE OR <—
13 DISTRICT JUSTICE. No justice, judge or [justice of the peace] <—
14 DISTRICT JUSTICE against whom impeachment proceedings are <—
15 pending in the Senate shall exercise any of the duties of his
16 office until [he has been acquitted] a final determination has
17 been made by the Senate. There shall be no appeals to any court
18 from the decision of the Senate.

19 Section 2. The members of the Judicial Inquiry and Review
20 Board appointed heretofore shall vacate their office 30 days
21 after the issuance of the proclamation certifying voter approval
22 of this amendment.