

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 949 Session of 2011

INTRODUCED BY SCHRODER, CUTLER, BAKER, BARRAR, BOYD, COHEN,  
D. COSTA, DENLINGER, GEIST, GINGRICH, GRELL, GROVE, MUNDY,  
MURT, QUINN, RAPP, SWANGER, TOEPEL, VULAKOVICH AND WATSON,  
MARCH 4, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 4, 2011

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, further providing for  
3 suspension, removal, discipline and other sanctions within  
4 the Judiciary, for the Judicial Conduct Board and the Court  
5 of Judicial Discipline.

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

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

10 (1) That section 18 of Article V be amended to read:

11 [§ 18. Suspension, removal, discipline and other sanctions.

12 (a) There shall be an independent board within the Judicial  
13 Branch, known as the Judicial Conduct Board, the composition,  
14 powers and duties of which shall be as follows:

15 (1) The board shall be composed of 12 members, as follows:

16 two judges, other than senior judges, one from the courts of  
17 common pleas and the other from either the Superior Court or the  
18 Commonwealth Court, one justice of the peace who need not be a

1 member of the bar of the Supreme Court, three non-judge members  
2 of the bar of the Supreme Court and six non-lawyer electors.

3 (2) The judge from either the Superior Court or the  
4 Commonwealth Court, the justice of the peace, one non-judge  
5 member of the bar of the Supreme Court and three non-lawyer  
6 electors shall be appointed to the board by the Supreme Court.  
7 The judge from the courts of common pleas, two non-judge members  
8 of the bar of the Supreme Court and three non-lawyer electors  
9 shall be appointed to the board by the Governor.

10 (3) Except for the initial appointees whose terms shall be  
11 provided by the schedule to this article, the members shall  
12 serve for terms of four years. All members must be residents of  
13 this Commonwealth. No more than three of the six members  
14 appointed by the Supreme Court may be registered in the same  
15 political party. No more than three of the six members appointed  
16 by the Governor may be registered in the same political party.  
17 Membership of a judge or justice of the peace shall terminate if  
18 the member ceases to hold the judicial position that qualified  
19 the member for the appointment. Membership shall terminate if a  
20 member attains a position that would have rendered the member  
21 ineligible for appointment at the time of the appointment. A  
22 vacancy shall be filled by the respective appointing authority  
23 for the remainder of the term to which the member was appointed.  
24 No member may serve more than four consecutive years but may be  
25 reappointed after a lapse of one year. The Governor shall  
26 convene the board for its first meeting. At that meeting and  
27 annually thereafter, the members of the board shall elect a  
28 chairperson. The board shall act only with the concurrence of a  
29 majority of its members.

30 (4) No member of the board, during the member's term, may

1 hold office in a political party or political organization.  
2 Except for a judicial member, no member of the board, during the  
3 member's term, may hold a compensated public office or public  
4 appointment. All members shall be reimbursed for expenses  
5 necessarily incurred in the discharge of their official duties.

6 (5) The board shall prescribe general rules governing the  
7 conduct of members. A member may be removed by the board for a  
8 violation of the rules governing the conduct of members.

9 (6) The board shall appoint a chief counsel and other staff,  
10 prepare and administer its own budget as provided by law,  
11 exercise supervisory and administrative authority over all board  
12 staff and board functions, establish and promulgate its own  
13 rules of procedure, prepare and disseminate an annual report and  
14 take other actions as are necessary to ensure its efficient  
15 operation. The budget request of the board shall be made by the  
16 board as a separate item in the request submitted by the Supreme  
17 Court on behalf of the Judicial Branch to the General Assembly.

18 (7) The board shall receive and investigate complaints  
19 regarding judicial conduct filed by individuals or initiated by  
20 the board; issue subpoenas to compel testimony under oath of  
21 witnesses, including the subject of the investigation, and to  
22 compel the production of documents, books, accounts and other  
23 records relevant to the investigation; determine whether there  
24 is probable cause to file formal charges against a justice,  
25 judge or justice of the peace for conduct proscribed by this  
26 section; and present the case in support of the charges before  
27 the Court of Judicial Discipline.

28 (8) Complaints filed with the board or initiated by the  
29 board shall not be public information. Statements, testimony,  
30 documents, records or other information or evidence acquired by

1 the board in the conduct of an investigation shall not be public  
2 information. A justice, judge or justice of the peace who is the  
3 subject of a complaint filed with the board or initiated by the  
4 board or of an investigation conducted by the board shall be  
5 apprised of the nature and content of the complaint and afforded  
6 an opportunity to respond fully to the complaint prior to any  
7 probable cause determination by the board. All proceedings of  
8 the board shall be confidential except when the subject of the  
9 investigation waives confidentiality. If, independent of any  
10 action by the board, the fact that an investigation by the board  
11 is in progress becomes a matter of public record, the board may,  
12 at the direction of the subject of the investigation, issue a  
13 statement to confirm that the investigation is in progress, to  
14 clarify the procedural aspects of the proceedings, to explain  
15 the rights of the subject of the investigation to a fair hearing  
16 without prejudgment or to provide the response of the subject of  
17 the investigation to the complaint. In acting to dismiss a  
18 complaint for lack of probable cause to file formal charges, the  
19 board may, at its discretion, issue a statement or report to the  
20 complainant or to the subject of the complaint, which may  
21 contain the identity of the complainant, the identity of the  
22 subject of the complaint, the contents and nature of the  
23 complaint, the actions taken in the conduct of the investigation  
24 and the results and conclusions of the investigation. The board  
25 may include with a report a copy of information or evidence  
26 acquired in the course of the investigation.

27 (9) If the board finds probable cause to file formal charges  
28 concerning mental or physical disability against a justice,  
29 judge or justice of the peace, the board shall so notify the  
30 subject of the charges and provide the subject with an

1 opportunity to resign from judicial office or, when appropriate,  
2 to enter a rehabilitation program prior to the filing of the  
3 formal charges with the Court of Judicial Discipline.

4 (10) Members of the board and its chief counsel and staff  
5 shall be absolutely immune from suit for all conduct in the  
6 course of their official duties. No civil action or disciplinary  
7 complaint predicated upon the filing of a complaint or other  
8 documents with the board or testimony before the board may be  
9 maintained against any complainant, witness or counsel.

10 (b) There shall be a Court of Judicial Discipline, the  
11 composition, powers and duties of which shall be as follows:

12 (1) The court shall be composed of a total of eight members  
13 as follows: three judges other than senior judges from the  
14 courts of common pleas, the Superior Court or the Commonwealth  
15 Court, one justice of the peace, two non-judge members of the  
16 bar of the Supreme Court and two non-lawyer electors. Two  
17 judges, the justice of the peace and one non-lawyer elector  
18 shall be appointed to the court by the Supreme Court. One judge,  
19 the two non-judge members of the bar of the Supreme Court and  
20 one non-lawyer elector shall be appointed to the court by the  
21 Governor.

22 (2) Except for the initial appointees whose terms shall be  
23 provided by the schedule to this article, each member shall  
24 serve for a term of four years; however, the member, rather than  
25 the member's successor, shall continue to participate in any  
26 hearing in progress at the end of the member's term. All members  
27 must be residents of this Commonwealth. No more than two of the  
28 members appointed by the Supreme Court may be registered in the  
29 same political party. No more than two of the members appointed  
30 by the Governor may be registered in the same political party.

1 Membership of a judge or justice of the peace shall terminate if  
2 the judge or justice of the peace ceases to hold the judicial  
3 position that qualified the judge or justice of the peace for  
4 appointment. Membership shall terminate if a member attains a  
5 position that would have rendered that person ineligible for  
6 appointment at the time of the appointment. A vacancy on the  
7 court shall be filled by the respective appointing authority for  
8 the remainder of the term to which the member was appointed in  
9 the same manner in which the original appointment occurred. No  
10 member of the court may serve more than four consecutive years  
11 but may be reappointed after a lapse of one year.

12 (3) The court shall prescribe general rules governing the  
13 conduct of members. A member may be removed by the court for a  
14 violation of the rules of conduct prescribed by the court. No  
15 member, during the member's term of service, may hold office in  
16 any political party or political organization. Except for a  
17 judicial member, no member of the court, during the member's  
18 term of service, may hold a compensated public office or public  
19 appointment. All members of the court shall be reimbursed for  
20 expenses necessarily incurred in the discharge of their official  
21 duties.

22 (4) The court shall appoint staff and prepare and administer  
23 its own budget as provided by law and undertake actions needed  
24 to ensure its efficient operation. All actions of the court,  
25 including disciplinary action, shall require approval by a  
26 majority vote of the members of the court. The budget request of  
27 the court shall be made as a separate item in the request by the  
28 Supreme Court on behalf of the Judicial Branch to the General  
29 Assembly. The court shall adopt rules to govern the conduct of  
30 proceedings before the court.

1       (5) Upon the filing of formal charges with the court by the  
2 board, the court shall promptly schedule a hearing or hearings  
3 to determine whether a sanction should be imposed against a  
4 justice, judge or justice of the peace pursuant to the  
5 provisions of this section. The court shall be a court of  
6 record, with all the attendant duties and powers appropriate to  
7 its function. Formal charges filed with the court shall be a  
8 matter of public record. All hearings conducted by the court  
9 shall be public proceedings conducted pursuant to the rules  
10 adopted by the court and in accordance with the principles of  
11 due process and the law of evidence. Parties appearing before  
12 the court shall have a right to discovery pursuant to the rules  
13 adopted by the court and shall have the right to subpoena  
14 witnesses and to compel the production of documents, books,  
15 accounts and other records as relevant. The subject of the  
16 charges shall be presumed innocent in any proceeding before the  
17 court, and the board shall have the burden of proving the  
18 charges by clear and convincing evidence. All decisions of the  
19 court shall be in writing and shall contain findings of fact and  
20 conclusions of law. A decision of the court may order removal  
21 from office, suspension, censure or other discipline as  
22 authorized by this section and as warranted by the record.

23       (6) Members of the court and the court's staff shall be  
24 absolutely immune from suit for all conduct in the course of  
25 their official duties, and no civil action or disciplinary  
26 complaint predicated on testimony before the court may be  
27 maintained against any witness or counsel.

28       (c) Decisions of the court shall be subject to review as  
29 follows:

30       (1) A justice, judge or justice of the peace shall have the

1 right to appeal a final adverse order of discipline of the  
2 court. A judge or justice of the peace shall have the right to  
3 appeal to the Supreme Court in a manner consistent with rules  
4 adopted by the Supreme Court; a justice shall have the right to  
5 appeal to a special tribunal composed of seven judges, other  
6 than senior judges, chosen by lot from the judges of the  
7 Superior Court and Commonwealth Court who do not sit on the  
8 Court of Judicial Discipline or the board, in a manner  
9 consistent with rules adopted by the Supreme Court. The special  
10 tribunal shall hear and decide the appeal in the same manner in  
11 which the Supreme Court would hear and decide an appeal from an  
12 order of the court.

13 (2) On appeal, the Supreme Court or special tribunal shall  
14 review the record of the proceedings of the court as follows: on  
15 the law, the scope of review is plenary; on the facts, the scope  
16 of review is clearly erroneous; and, as to sanctions, the scope  
17 of review is whether the sanctions imposed were lawful. The  
18 Supreme Court or special tribunal may revise or reject an order  
19 of the court upon a determination that the order did not sustain  
20 this standard of review; otherwise, the Supreme Court or special  
21 tribunal shall affirm the order of the court.

22 (3) An order of the court which dismisses a complaint  
23 against a judge or justice of the peace may be appealed by the  
24 board to the Supreme Court, but the appeal shall be limited to  
25 questions of law. An order of the court which dismisses a  
26 complaint against a justice of the Supreme Court may be appealed  
27 by the board to a special tribunal in accordance with paragraph  
28 (1), but the appeal shall be limited to questions of law.

29 (4) No justice, judge or justice of the peace may  
30 participate as a member of the board, the court, a special



1 tribunal or the Supreme Court in any proceeding in which the  
2 justice, judge or justice of the peace is a complainant, the  
3 subject of a complaint, a party or a witness.

4 (d) A justice, judge or justice of the peace shall be  
5 subject to disciplinary action pursuant to this section as  
6 follows:

7 (1) A justice, judge or justice of the peace may be  
8 suspended, removed from office or otherwise disciplined for  
9 conviction of a felony; violation of section 17 of this article;  
10 misconduct in office; neglect or failure to perform the duties  
11 of office or conduct which prejudices the proper administration  
12 of justice or brings the judicial office into disrepute, whether  
13 or not the conduct occurred while acting in a judicial capacity  
14 or is prohibited by law; or conduct in violation of a canon or  
15 rule prescribed by the Supreme Court. In the case of a mentally  
16 or physically disabled justice, judge or justice of the peace,  
17 the court may enter an order of removal from office, retirement,  
18 suspension or other limitations on the activities of the  
19 justice, judge or justice of the peace as warranted by the  
20 record. Upon a final order of the court for suspension without  
21 pay or removal, prior to any appeal, the justice, judge or  
22 justice of the peace shall be suspended or removed from office;  
23 and the salary of the justice, judge or justice of the peace  
24 shall cease from the date of the order.

25 (2) Prior to a hearing, the court may issue an interim order  
26 directing the suspension, with or without pay, of any justice,  
27 judge or justice of the peace against whom formal charges have  
28 been filed with the court by the board or against whom has been  
29 filed an indictment or information charging a felony. An interim  
30 order under this paragraph shall not be considered a final order

1 from which an appeal may be taken.

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

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

10 (5) This section is in addition to and not in substitution  
11 for the provisions for impeachment for misbehavior in office  
12 contained in Article VI. No justice, judge or justice of the  
13 peace against whom impeachment proceedings are pending in the  
14 Senate shall exercise any of the duties of office until  
15 acquittal.]

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

17 § 19. Judicial Conduct Board.

18 (a) There shall be a Judicial Conduct Board within the  
19 Executive Department, which shall be composed of a total of 11  
20 members as follows: one active judge of a court of common pleas  
21 appointed by the Supreme Court; one active judge from either the  
22 Superior Court or the Commonwealth Court appointed by the  
23 Supreme Court; one active magisterial district judge appointed  
24 by the Supreme Court; two non-judge members of the bar of the  
25 Supreme Court appointed by the Governor; and six non-lawyer  
26 electors appointed by the Governor. All members of the Judicial  
27 Conduct Board shall be appointed by the respective appointing  
28 authority with the advice and consent of a majority of the  
29 members elected in the Senate in the manner provided in section  
30 8 of Article IV.

1     (b) Except for the initial appointees whose terms shall be  
2 provided by the schedule to this amendment, the members shall  
3 serve for terms of four years, provided that a member, rather  
4 than the member's successor, shall continue to participate in  
5 any hearing in progress at the end of the member's term. All  
6 members shall be residents of this Commonwealth, and no more  
7 than six of the 11 members shall be registered in the same  
8 political party. Membership of a judge or magisterial district  
9 judge shall terminate if the member ceases to hold the judicial  
10 position that qualified the member for the appointment.  
11 Membership shall also terminate if a member attains a position  
12 that would have rendered the member ineligible for appointment  
13 at the time of the appointment. A vacancy on the board shall be  
14 filled by the respective appointing authority for the balance of  
15 the term. The Governor may remove any member only for cause. No  
16 member shall serve more than four consecutive years but may be  
17 reappointed after the lapse of one year. The Governor shall  
18 convene the board for its first meeting. At that meeting, and  
19 annually thereafter, the members of the board shall elect a  
20 chairperson. The board shall act only with the concurrence of a  
21 majority of its members.

22     (c) No member of the board, during the member's term, shall  
23 hold office in a political party or political organization.  
24 Except for a judicial member, no member of the board, during the  
25 member's term of service, may hold a public office or public  
26 appointment, compensated or uncompensated. All members shall be  
27 reimbursed for expenses necessarily incurred in the discharge of  
28 their official duties.

29     (d) The board shall receive and investigate complaints  
30 regarding judicial conduct filed by individuals or initiated by

1 the board; promulgate rules for determining whether a complaint  
2 is reasonably based; issue subpoenas to compel testimony under  
3 oath of witnesses, including the subject of the investigation,  
4 and to compel the production of documents, books, accounts or  
5 other records relevant to the investigation; determine whether  
6 there is probable cause to file formal charges against a  
7 justice, judge or magisterial district judge, for conduct  
8 proscribed in section 17 and section 20(a) of this article, a  
9 finding of which shall require approval by a majority vote of  
10 the Judicial Conduct Board; and present the case in support of  
11 such charges to the Court of Judicial Discipline.

12 (e) The board, by a majority vote, shall appoint a chief  
13 counsel and other staff, prepare and administer its own budget  
14 as provided by law, exercise supervisory and administrative  
15 authority over all board staff and board functions, establish  
16 and promulgate its own rules of procedure, and prepare and  
17 disseminate an annual report. The budget request of the board  
18 shall be made separately to the General Assembly.

19 (f) The justice, judge or magisterial district judge whose  
20 conduct is the subject of an investigation by the board shall be  
21 given an opportunity to fully respond to the complaint.

22 (g) Until a determination of probable cause has been made  
23 and formal charges have been filed, all proceedings shall be  
24 confidential except when the subject of the investigation waives  
25 confidentiality. If, independent of any action by the board, the  
26 fact that an investigation is in progress becomes public, the  
27 board may, at the direction of the subject of the investigation,  
28 issue a statement to confirm the pendency of the investigation  
29 to clarify the procedural aspects of the proceedings, to explain  
30 the right of the subject of the investigation to a fair hearing

1 without prejudgment or to provide the response of the subject of  
2 the investigation to the complaint.

3 (h) If the board finds probable cause to file formal charges  
4 concerning mental or physical disability against a justice,  
5 judge or magisterial district judge, the board shall so notify  
6 the subject of the charges and provide the subject with an  
7 opportunity to resign from judicial office or, when appropriate,  
8 to enter a rehabilitation program prior to the filing of formal  
9 charges with the Court of Judicial Discipline.

10 (i) Members of the board and its chief counsel and staff  
11 shall be absolutely immune from suit for all conduct in the  
12 course of their official duties. No civil action or disciplinary  
13 complaint predicated upon the filing of a complaint or other  
14 documents with the board or testimony before the board may be  
15 maintained against any complainant, witness or counsel.

16 § 20. Court of Judicial Discipline.

17 (a) There shall be a Court of Judicial Discipline within the  
18 Judicial Department, which shall be composed of seven members as  
19 follows: one active judge of a court of common pleas; one active  
20 judge from either the Superior Court or the Commonwealth Court;  
21 one active magisterial district judge; one non-judge member of  
22 the bar of the Supreme Court; and three non-lawyer electors.  
23 Members of the Court of Judicial Discipline shall be appointed  
24 by the Governor with the advice and consent of a majority of the  
25 members elected to the Senate in the manner provided by section  
26 8 of Article IV.

27 (b) Except for the initial appointees whose terms shall be  
28 provided by the schedule to this article, each member shall  
29 serve for a term of four years; however, the member, rather than  
30 the member's successor, shall continue to participate in any

1 hearing in progress at the end of the member's term. All members  
2 shall be residents of this Commonwealth, and no more than four  
3 of the seven members shall be registered to the same political  
4 party. Membership of a judge or magisterial district judge shall  
5 terminate if the member ceases to hold the judicial position  
6 that qualified the member for the appointment. Membership shall  
7 also terminate if a member attains a position that would have  
8 rendered the member ineligible for appointment at the time of  
9 the appointment. A vacancy on the court shall be filled by the  
10 Governor for the balance of the term. The Governor may remove  
11 any member only for cause. No member shall serve more than four  
12 consecutive years but may be reappointed after a lapse of one  
13 year.

14 (c) The court shall prescribe general rules governing the  
15 conduct of its members. No member of the Court of Judicial  
16 Discipline, during the member's term, shall hold office in a  
17 political party or political organization. Except for a judicial  
18 member, no member of the court, during the member's term of  
19 service, may hold a public office or public appointment,  
20 compensated or uncompensated. All members of the court shall be  
21 reimbursed for expenses necessarily incurred in the discharge of  
22 their official duties.

23 (d) The court shall appoint staff and prepare and administer  
24 its own budget as provided by law and undertake actions needed  
25 to ensure its efficient operations. All actions of the court,  
26 including disciplinary action, shall require the approval by a  
27 majority vote of the members of the court. The court shall adopt  
28 rules to govern the conduct of proceedings before the court. The  
29 budget request of the court shall be made separately to the  
30 General Assembly.

1     (e) Upon the filing of formal charges by the Judicial  
2 Conduct Board, the court shall promptly schedule a hearing or  
3 hearings to determine whether a sanction pursuant to the  
4 provisions of this section should be imposed against a justice,  
5 judge or magisterial district judge. The court shall be a court  
6 of record with all the attendant duties and powers appropriate  
7 to its function. Formal charges filed with the court shall be a  
8 matter of public record. All hearings conducted by the court  
9 shall be public proceedings conducted pursuant to the rules  
10 adopted by the court and in accordance with the principles of  
11 due process and the law of evidence. Parties appearing before  
12 the court shall have the right to discovery pursuant to rules  
13 adopted by the court and shall have the right to subpoena  
14 witnesses and to compel the production of documents, books,  
15 accounts and other records as relevant. The subject of the  
16 charges shall be presumed innocent in any proceeding before the  
17 court, and the board shall have the burden of proving the  
18 charges by clear and convincing evidence. All decisions of the  
19 court shall be in writing and shall contain findings of fact and  
20 conclusions of law. A decision of the court may order removal  
21 from office, suspension, censure or other discipline as  
22 authorized by this section and as warranted by the record.

23     (f) Members of the court and the court's staff shall be  
24 absolutely immune from suit for all conduct in the course of  
25 their official duties. No civil action or disciplinary complaint  
26 predicated on testimony before the court may be maintained  
27 against any witness or counsel.

28     § 21. Proscribed conduct and sanctions.

29     (a) Under the procedures prescribed herein, any justice,  
30 judge or magisterial district judge may be suspended, removed

1 from office, censured or otherwise disciplined for violation of  
2 section 17 of this article, misconduct in office, neglect or  
3 failure to perform the duties of office or conduct which  
4 prejudices the proper administration of justice or brings the  
5 judicial office into disrepute, whether or not the conduct  
6 occurred while acting in a judicial capacity or is prohibited by  
7 law; or for conduct in violation of a canon or rule prescribed  
8 by the Supreme Court.

9 (b) The Court of Judicial Discipline shall, until there is  
10 an acquittal or conviction for a felony offense, order suspended  
11 without pay any justice, judge or magisterial district judge  
12 against whom there has been filed an indictment or information  
13 charging a felony. An interim order of suspension, with or  
14 without pay, may be entered against a justice, judge or  
15 magisterial district judge against whom charges have been filed  
16 with the Court of Judicial Discipline by the Judicial Conduct  
17 Board. The order shall not be immediately appealable.

18 (c) In the case of a mentally or physically disabled  
19 justice, judge or magisterial district judge, the Court of  
20 Judicial Discipline may enter an order of removal from office,  
21 retirement, suspension or other limitations on the activities of  
22 the justice, judge or magisterial district judge as warranted by  
23 the record.

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

30 (e) Upon a final order of the court for suspension without



1 pay or removal, prior to any appeal, the justice, judge or  
2 magisterial district judge shall be suspended or removed from  
3 office and the salary of the justice, judge or magisterial  
4 district judge shall cease from the date of the order.

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

10 (g) A justice, judge or magisterial district judge who files  
11 for nomination for or election to any public office other than a  
12 judicial office shall forfeit automatically his judicial office.

13 (h) This section is in addition to and not in substitution  
14 for the provisions for impeachment for misbehavior in office  
15 contained in Article IV. No justice, judge or magisterial  
16 district judge against whom impeachment proceedings are pending  
17 in the Senate shall exercise any of the duties of office until  
18 acquittal.

19 § 22. Review of Court of Judicial Discipline.

20 (a) A justice, judge or magisterial district judge shall  
21 have the right to appeal a final adverse order of discipline of  
22 the court. A judge or magisterial district judge shall have the  
23 right to appeal to the Supreme Court in a manner consistent with  
24 rules adopted by the Supreme Court. A justice shall have the  
25 right to appeal to a special tribunal composed of seven judges,  
26 other 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 Judicial Conduct Board, in a  
29 manner consistent with rules adopted by the Supreme Court. The  
30 special tribunal shall hear and decide the appeal in the same

1 manner in which the Supreme Court would hear and decide an  
2 appeal from an order of court.

3 (b) 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 whether the sanctions imposed were lawful. The  
8 Supreme Court or special tribunal may revise or reject an order  
9 of the court upon determination that the order did not sustain  
10 this standard of review. Otherwise, the Supreme Court or special  
11 tribunal shall affirm the order of the court.

12 (c) An order of court which dismisses a complaint against a  
13 judge or magisterial district judge may be appealed by the board  
14 to the Supreme Court, but the appeal shall be limited to  
15 questions of law. An order of the court which dismisses a  
16 complaint against a justice of the Supreme Court may be appealed  
17 by the board to a special tribunal in accordance with subsection  
18 (a), but the appeal shall be limited to questions of law.

19 (d) No justice, judge or magisterial district judge may  
20 participate as a member of the board, the Court of Judicial  
21 Discipline, a special tribunal or the Supreme Court in any  
22 proceeding in which the justice, judge or magisterial district  
23 judge is a complainant, the subject of a complaint, a party or a  
24 witness.

25 Section 2. (a) The members of the Judicial Conduct Board  
26 appointed heretofore shall vacate their office 60 days after the  
27 issuance of the proclamation certifying voter approval of the  
28 amendments to section 19 of Article V of the Constitution of  
29 Pennsylvania and all proceedings pending before the board and  
30 all records shall be transferred to the new members of the

1 board.

2 (b) Of the members initially appointed to the Judicial  
3 Conduct Board, the appellate court judge and the common pleas  
4 court judge shall be appointed to serve four-year terms. The  
5 magisterial district judge first appointed shall serve a three-  
6 year term. The non-judge member of the bar of the Supreme Court  
7 first appointed by the Governor shall serve a three-year term  
8 and the second non-judge member shall serve a two-year term. Of  
9 the non-lawyer electors appointed by the Governor, the first two  
10 appointed shall serve four-year terms; the next one appointed  
11 shall serve a three-year term; and the final three appointed  
12 shall serve two-year terms.

13 (c) The members of the Court of Judicial Discipline shall  
14 vacate their office 60 days after the issuance of the  
15 proclamation certifying voter approval of the amendments adding  
16 section 20 to Article V of the Constitution of Pennsylvania and  
17 all proceedings pending before the court and all records shall  
18 be transferred to the new members of the court.

19 (d) Of the members initially appointed to the Court of  
20 Judicial Discipline, the Governor shall appoint three members  
21 for terms of four years, two members for terms of three years  
22 and two members for terms of two years.

23 Section 3. (a) Upon the first passage by the General  
24 Assembly of these proposed constitutional amendments, the  
25 Secretary of the Commonwealth shall proceed immediately to  
26 comply with the advertising requirements of section 1 of Article  
27 XI of the Constitution of Pennsylvania and shall transmit the  
28 required advertisements to two newspapers in every county in  
29 which such newspapers are published in sufficient time after  
30 passage of these proposed constitutional amendments.

1       (b) Upon the second passage by the General Assembly of these  
2 proposed constitutional amendments, the Secretary of the  
3 Commonwealth shall proceed immediately to comply with the  
4 advertising requirements of section 1 of Article XI of the  
5 Constitution of Pennsylvania and shall transmit the required  
6 advertisements to two newspapers in every county in which such  
7 newspapers are published in sufficient time after passage of  
8 these proposed constitutional amendments. The Secretary of the  
9 Commonwealth shall submit these proposed constitutional  
10 amendments as a single ballot question to the qualified electors  
11 of this Commonwealth at the first primary, general or municipal  
12 election which meets the requirements of and is in conformance  
13 with section 1 of Article XI of the Constitution of Pennsylvania  
14 and which occurs at least three months after these proposed  
15 constitutional amendments are passed by the General Assembly.