

MONTANA SUPREME COURT

Judicial Standards Commission Rules

No. AF 14-0356, Montana Supreme Court (July 23, 2015)

SUMMARY

These rules govern the organization, confidentiality, jurisdiction, investigations, complaints, formal proceedings, hearings, and disciplinary recommendations of the Montana Judicial Standards Commission. They apply to proceedings concerning judicial misconduct or disability and establish procedures for sanctions including reprimand, censure, suspension, removal, and retirement.

CASE DETAILS

COURT	Montana Supreme Court
JURISDICTION	Montana
DECIDED	July 23, 2015
DOCKET	AF 14-0356
DISPOSITION	approved
PROCEDURAL POSTURE	The Montana Judicial Standards Commission submitted its Procedural Rules of the Judicial Standards Commission for approval and filing.
PRECEDENTIAL VALUE	Published rules order governing Judicial Standards Commission proceedings

TOPICS

administrative law rulemaking procedural due process

PRACTICE AREAS

administrative law judicial discipline constitutional law professional responsibility

QUESTIONS PRESENTED

- Whether the Procedural Rules of the Judicial Standards Commission should be approved and filed.
- What procedures govern complaints, investigations, formal disciplinary proceedings, hearings, confidentiality, and sanctions before the Judicial Standards Commission.

HOLDINGS

1. The Procedural Rules of the Judicial Standards Commission govern the Commission's functions, responsibilities, and proceedings concerning the discipline, retirement, suspension, censure, reprimand, or removal of judges, subject to the Montana Constitution and applicable Montana statutes.
2. In a formal disciplinary hearing, the Commission's appointed attorney bears the burden of proof, and alleged misconduct or incapacity must be established by clear and convincing evidence.
3. Commission papers and proceedings remain confidential while pending, subject to the exceptions stated in the rules, including dismissal of a complaint, filing of a formal proceeding with the Supreme Court, and invocation of specified statutory procedures.

FACTUAL BACKGROUND

This is a rules-adoption and approval matter rather than an adjudication arising from a particular judicial-discipline complaint. The Judicial Standards Commission adopted procedural rules governing its jurisdiction, organization, investigations, formal complaints, hearings, confidentiality, and recommendations concerning judicial discipline. The rules were certified as approved on July 17, 2015, and filed with the Supreme Court Clerk.

PROCEDURAL HISTORY

The Commission approved the procedural rules on July 17, 2015, and the rules were filed with the Clerk of the Montana Supreme Court on July 23, 2015. The document sets out the rules governing Commission investigations, formal complaints, hearings, confidentiality, sanctions, and related proceedings.

DISPOSITION

approved