

Rule 2-211. Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.

Intent:

To establish the authority of the presiding officer, the Management Committee and the Council to take corrective action in the event of non-compliance with this Code or the Code of Judicial Conduct.

Applicability:

This rule shall apply to judicial and quasi-judicial officers.

Statement of the Rule:

(1) Allegations of failure to comply with the provisions of this Code and the Code of Judicial Conduct may be reported by any court employee verbally or in writing by any of the following methods:

(1)(A) By contacting directly any supervisor or member of management with whom the employee is comfortable reporting such matters;

(1)(B) By contacting any Human Resource representative;

(1)(C) By contacting directly, any member of AOC management, including any court level administrator;

(1)(D) By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator; or

(1)(E) By contacting any commissioner, judge or justice.

(2) Supervisors, members of management, Human Resource representatives, and court level administrators shall promptly submit allegations reported under paragraph (1) verbally or in writing to the State Court Administrator, the Deputy State Court Administrator, or Assistant State Court Administrator.

(3) The State Court Administrator, Deputy State Court Administrator, and Assistant State Court Administrator shall promptly submit allegations reported under paragraph (2) submitted to the presiding officer of the Council by Council members, the chairs of the Boards, presiding judges, the court administrator or the Judicial Conduct Commission.

(4) The presiding officer of the Council, in consultation with the Management Committee, has the discretion to dismiss the allegations, investigate the allegations, take appropriate corrective action or submit the matter to the Council for consideration. Where corrective action is taken, the presiding officer shall report to the Council in executive session the nature of the problem

and the corrective action taken. Information which identifies the person who submitted the allegation and ~~the~~ individual against whom corrective action is taken may be omitted from the report.

(~~53~~) The Council shall convene in executive session to review those allegations of non-compliance submitted by the presiding officer pursuant to paragraph (~~42~~) and, upon a majority vote, direct dismissal of the allegations, investigation of the allegations, corrective action or referral to the Judicial Conduct Commission. Allegations of non-compliance shall be referred to the Conduct Commission only after consideration by the Council and upon a majority vote of its members.

(~~64~~) The presiding officer of the Council is empowered to implement any corrective action recommended by the executive management committee or the Council.

(~~75~~) If the allegations involve inappropriate behavior toward the person who submitted the allegations, the presiding ~~judge-officer~~ shall notify the person whether corrective action was taken. The person may ask that any decision made by the presiding officer be reviewed by the Council.

Effective May/November 1, 20__