

78A-11-110 Hearing.

- (1)
 - (a) A hearing may be conducted before a quorum of the commission.
 - (b) Any finding or order shall be made upon a majority vote of the quorum.
- (2) Alternatively, the commission may appoint three special masters, who are judges of courts of record, to hear and take evidence in the matter and to report to the commission.
- (3)
 - (a) After the hearing or after considering the record and report of the masters, if the commission finds by a preponderance of the evidence that misconduct occurred, it shall order the reprimand, censure, suspension, removal, or involuntary retirement of the judge.
 - (b) When a commission order is sent to the Supreme Court, it shall also be:
 - (i) publicly disclosed; and
 - (ii) sent to the entity that appointed the judge.
 - (c) In recommending any order, including stipulated orders, the commission may not place, or attempt to place, any condition or limitation upon the Supreme Court's constitutional power to:
 - (i) review the commission's proceedings as to both law and fact; or
 - (ii) implement, reject, or modify a commission order.
- (4) When the commission issues any order, including a stipulated order, that is sent to the Supreme Court, the record shall include:
 - (a) the original complaint and any other information regarding violations, or potential violations, of the Code of Judicial Conduct;
 - (b) the charges;
 - (c) all correspondence and other documents which passed between the commission and the judge;
 - (d) all letters which may explain the charges;
 - (e) all affidavits, subpoenas, and testimony of witnesses;
 - (f) the commission's findings of fact and conclusions of law;
 - (g) a transcript of any proceedings, including hearings on motions;
 - (h) a copy of each exhibit admitted into evidence;
 - (i) a summary of all the complaints dismissed by the commission against the judge which contained allegations or information similar in nature to the misconduct under review by the Supreme Court;
 - (j) a summary of all the orders implemented, rejected, or modified by the Supreme Court against the judge; and
 - (k) all information in the commission's files on any informal resolution, including any letter of admonition, comment, or caution, that the commission issued against the judge prior to May 1, 2000.

Enacted by Chapter 3, 2008 General Session