

Types of Judicial Misconduct

The following types of judicial misconduct may lead to disciplinary actions. This list is not all-inclusive.

Improper Influence

- Allowing family, social or political relationships to influence judicial decision-making
- Conflicts of interest
- Giving or receiving gifts, bribes, loans or favors

Improper Courtroom Decorum

- Improper conduct while on the bench
- Expressions of bias based on race, gender or ethnicity
- Rude, abusive and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others

Improper or Illegal Activities On or Off the Bench

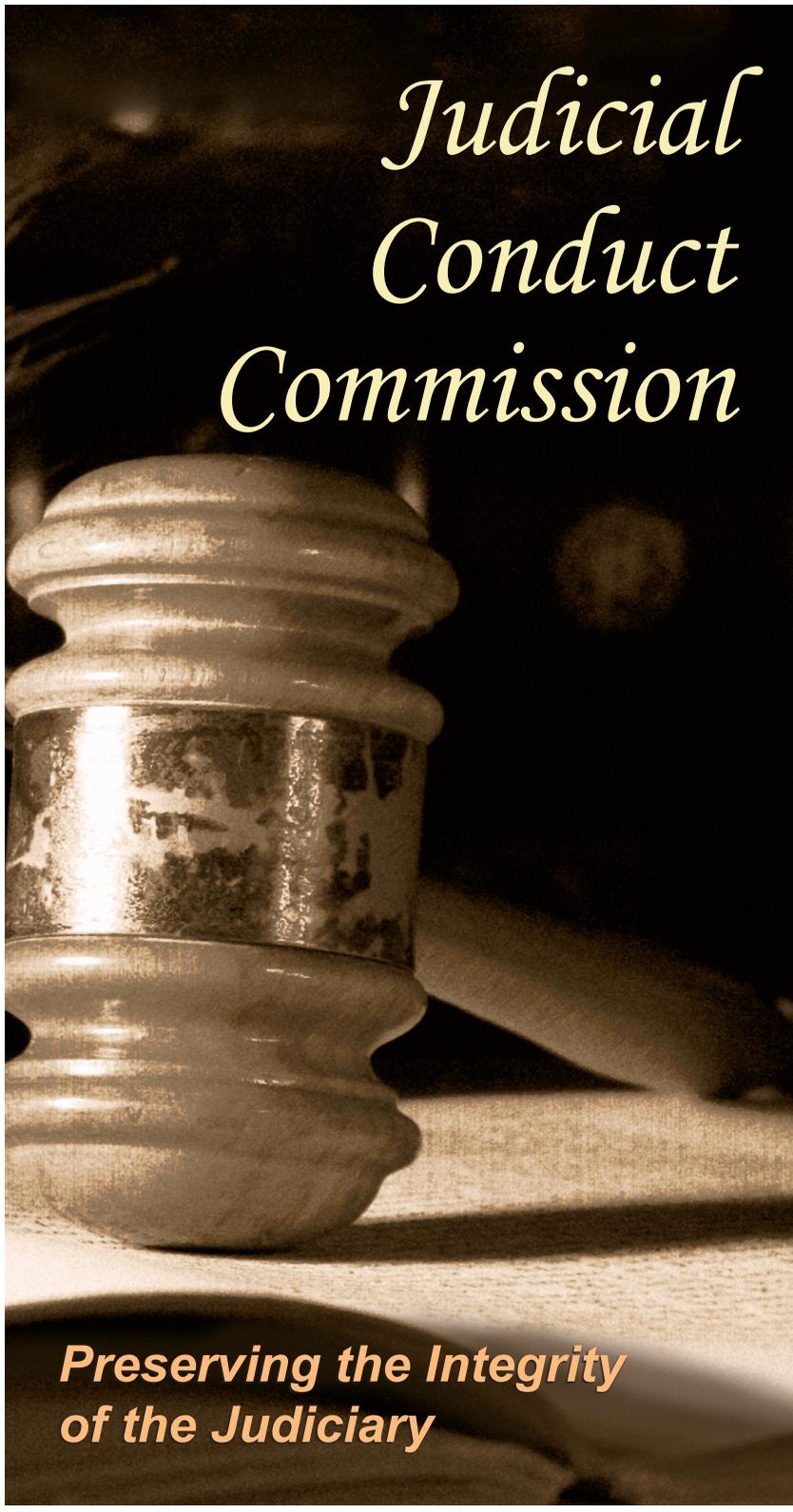
- Failing or refusing to dispose promptly of judicial business
- Abusing the contempt power
- Interfering with the attorney-client relationship
- Communicating improperly with only one side to a proceeding
- Commenting on or interfering with a pending or impending case
- Engaging in improper political campaign activities
- Misappropriating or misusing public property, funds or resources
- Violating rules relating to court administration
- Obstruction of justice, perjury or filing a false document
- Criminal conduct

Judicial Conduct Commission
P.O. Box 4266
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***Preserving the Integrity
of the Judiciary***

The Judicial Conduct Commission

The Judicial Conduct Commission is the only entity authorized under the Kentucky Constitution to take disciplinary action against a sitting Kentucky judge. The Commission investigates and reviews complaints against judges and, when warranted, conducts hearings regarding the alleged misconduct where evidence is presented.

Possible sanctions for misconduct range from confidential reprimands for minor technical violations to removal from office for major misconduct.

While the great majority of Kentucky's judges are committed to maintaining the high standards expected of the judiciary, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the efficient operation of our judicial system. Commission proceedings provide a fair and objective means to preserve the integrity of the judicial process.

Since its inception, the Commission's actions have resulted in numerous judges being removed from the bench, being involuntarily retired or being publicly disciplined. The Commission has privately disciplined many more.

The Commission is composed of six voting members who serve four-year terms. The members include one representative and one alternate from District Court, Circuit Court, the Kentucky Court of Appeals and the Kentucky Bar Association, and two citizen representatives appointed by the Governor who are neither judges nor attorneys.

The Commission functions under rules established by the Supreme Court of Kentucky and has authority over judges, trial commissioners, domestic relations commissioners, master commissioners and attorneys who are candidates for judicial office.

Frequently Asked Questions

Who may file a complaint with the Commission?

Any individual or group with knowledge of possible judicial misconduct or wrongdoing may file a complaint. The Commission has received complaints from litigants, attorneys, judges, jurors, citizens, court personnel and prisoners.

How do I file a complaint?

Complaints must be submitted in writing. To request a complaint form, write or call the Commission at the address below and provide your name, mailing address and telephone number. The Commission will mail a complaint form to you.

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You can also find more information and download a complaint form at www.courts.ky.gov.

Are complaints treated confidentially?

The rules governing the Commission require confidentiality during the investigation process. If the matter is sufficiently serious to warrant a hearing, the Commission provides the judge under review with the information compiled during the Commission's investigation, including the name of the complainant if relevant.

After the Commission files formal charges against a judge and receives the judge's response to the charges, the Commission makes public the charges and the judge's response. All subsequent proceedings regarding the formal charges will be public. However, the Commission's deliberations in reaching any decision regarding the charges are not public.

The complainant will be notified as to what action is taken regarding the complaint unless the disposition is a private admonishment or private reprimand. Final disposition of some complaints takes several months or longer.

How will the Commission handle my complaint?

The Commission will carefully review your complaint to determine if it is within its jurisdiction. If a complaint is not

within the Commission's jurisdiction, it will be dismissed without further action.

When the Commission finds sufficient cause, it will initiate a preliminary investigation that includes a meeting with the judge in question. If the complaint is not resolved at this stage, the Commission will file formal charges against the judge and hold a fact-finding hearing. The Commission's attorney presents the case at the hearing and the judge has the right to defend against the charges and to be represented by an attorney. The complainant may be subpoenaed as a witness if he or she has personal knowledge of wrongdoing.

If no violation is found as a result of the hearing, the complaint will be dismissed. If the Commission finds improper conduct on the part of the judge or a disability that is seriously interfering with the judge's ability to perform judicial duties, the Commission may take the following actions:

- ▶ Privately admonish or privately reprimand the judge
- ▶ Publicly reprimand, censure or suspend the judge
- ▶ Remove the judge from office or, in the case of disability, order the judge's retirement from the bench

The action taken by the Commission is final unless the judge appeals to the Supreme Court of Kentucky. The Supreme Court can affirm, modify or set aside the Commission's action.

I am unhappy with the outcome of my case. Can the Commission help me?

No. The Commission does not have the authority to review a case for judicial error or to direct a different result in the case. These functions are to be handled through the appeals process available through the state's appellate courts. If you want to change the outcome of your case, discuss this with an attorney without delay.

In addition, allegations stemming from a judge's rulings or the exercise of judicial discretion do not provide a basis for action by the Commission. Personal dissatisfaction alone cannot be grounds for a judicial investigation.

For a summary of judicial conduct that may warrant an investigation by the Commission, see the Judicial Misconduct section on this brochure.