

## PART III. JUDICIAL CONDUCT BOARD

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### CHAPTER 101. GENERAL PROVISIONS

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#### Source

The provisions of this Chapter 101 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786, unless otherwise noted.

#### **Rule 1. Definitions.**

##### (a) Definitions

When used in these rules, unless the context otherwise requires:

*Board* means the Judicial Conduct Board.

*Board Complaint* is the document setting forth the formal charges and filed by the Board to initiate proceedings in the Court of Judicial Discipline.

*Board Counsel* means any lawyer hired by the Board as staff counsel, including Chief Counsel, or any lawyer appointed as special counsel, to perform those duties as directed by the Board.

*Chief Counsel* is the lawyer in charge of the screening and investigation of complaints, the prosecution of formal charges, and the performance of other duties as directed by the Board.

*Chair* means the Chair of the Board or a member authorized to act on the Chair's behalf.

*Complaint* means a document setting forth information alleging conduct within the jurisdiction of the Judicial Conduct Board pursuant to PA. CONST. Art. V, § 18.

*Court* means the Court of Judicial Discipline.

*Dismissal* is a Board determination which terminates a case against a Judicial Officer.

*Judicial Officer* includes magisterial district judges, judges of the Philadelphia Municipal and Traffic Courts, judges of the Pittsburgh Magistrates Court, judges of the Common Pleas, Commonwealth, and Superior Courts, and Justices of the Supreme Court.

*Probable Cause to File Formal Charges* means probable cause to believe that conduct by a Judicial Officer has occurred for which a Judicial Officer should be suspended, removed from office, or otherwise disciplined pursuant to PA. CONST. Art. V, § 18(d)(1).

*Rules of Professional Conduct* means rules of professional responsibility for attorneys.

*Staff* includes employees of the Board and persons retained or appointed by the Board, or individual Board members' employees when engaged in the business of the Board.

*Verification* is a written statement of fact by the signer, supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

#### Source

The provisions of this Rule 1 amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188721) to (188722).

### Rule 2. Rules of Construction.

(A) As used in these rules, unless the context otherwise requires:

- (1) Words in the singular number include the plural, and words in the plural include the singular.
- (2) The word "person" shall include corporations, societies, associations, partnerships, and organizations.
- (3) "Shall" is mandatory and "may" is permissive.
- (4) "Knowingly" includes reckless disregard for the truth or falsity of a statement.

(B) These rules shall be construed to secure just and reliable determinations of probable cause in all matters considered by the Board.

(C) An error or defect of procedure shall not confer any substantive rights on any party.

#### Source

The provisions of this Rule 2 amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404; amended April 22, 1996, effective immediately, 26 Pa.B. 2782. Immediately preceding text appears at serial page (196328).

**Rule 3. Scope.**

(A) These rules shall govern the conduct of all Judicial Conduct Board proceedings.

(B) The Board shall receive and investigate complaints concerning judicial conduct filed by individuals or initiated by the Board, including allegations that a Judicial Officer has violated the Rules of Professional Conduct.

(C) When the Board receives a complaint against a magisterial district judge admitted to the practice of law, the Board shall refer the complaint to the Disciplinary Board of the Supreme Court of Pennsylvania if the Board determines that:

- (1) the conduct occurred only in the context of the magisterial district judge's practice of law;
- (2) the allegations do not involve any conduct for which the magisterial district judge would otherwise be subject to discipline as a Judicial Officer pursuant to PA. CONST. Art. V, § 18(d)(1); and
- (3) the conduct of the magisterial district judge is not likely to result in disbarment or suspension of the right to practice law.

**Source**

The provisions of this Rule 3 amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188723) to (188724).

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