

ARTICLE III. OTHER PROCEEDINGS

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CHAPTER 6. MENTAL OR PHYSICAL DISABILITY

Rule 601. Mental or Physical Disability.

Source

The provisions of this Chapter 6 adopted November 16, 1994, effective January 1, 1995, 24 Pa.B. 5835; amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1677, unless otherwise noted. Immediately preceding text appears at serial pages (192897) to (192898).

Rule 601. Mental or Physical Disability.

Whenever a Board Complaint alleges that a Judicial Officer is physically or mentally disabled, or whenever, after the filing of a Board Complaint, an issue is raised concerning a Judicial Officer’s physical or mental disability, the Court may take one or more of the following actions:

(A) The Court may appoint a lawyer to represent the Judicial Officer if the Judicial Officer is without representation.

(B) Upon the Court’s own motion or upon motion of the Board or counsel for the Judicial Officer, the Court may order a physical, psychiatric, or psychological examination of the Judicial Officer. The Court may appoint one or more professionals to examine the Judicial Officer and prepare a report. A copy of the Report shall be given to the Judicial Officer. The Judicial Officer’s unexplained failure to submit to a physical, psychiatric, or psychological examination required by the Court may be considered as evidence of physical or mental disability.

(C) If, after hearing, the Court determines that the Judicial Officer’s physical or mental disability renders him or her unable to defend against the Board Complaint, the Court may defer any further proceedings until the Court determines, after hearing, that the Judicial Officer is able to defend against the Board Complaint. The Court may also enter an order transferring the Judicial Officer to judicial inactive status.

(D) If the Board Complaint includes a certified copy of another court’s order declaring the Judicial Officer incompetent, or involuntarily committing a Judicial Officer, the Court shall enter an order immediately transferring the Judicial Officer to judicial inactive status. The Court shall serve a copy of the transfer order upon the Judicial Officer, any guardian, and the director of any institution to which the Judicial Officer may be committed.

(E) The Judicial Officer transferred to inactive status pursuant to this rule must file a petition with the Court requesting permission to resume active status.

Official Note: This rule is derived from former interim Rule 29.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

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