

CHAPTER 103. BUSINESS OF THE BOARD

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Rule 4. Meetings; Officers.

(A) The Board shall meet periodically as determined by the Board. Meetings other than periodic meetings may be called by the Chair on the Chair's own motion, and shall be called by the Chair upon the written request of five members of the Board.

(B) At the first meeting of each calendar year, the Board shall elect a member to serve as Chair, a member to serve as Vice-Chair, and a member to serve as Secretary. The Vice-Chair shall perform the duties of the Chair whenever the Chair is absent or unable to act.

(C) The Chair may appoint a Board member, who shall be a judge or lawyer, to rule on all evidentiary issues and objections.

Source

The provisions of this Rule 4 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial page (188724).

Rule 5. Board Counsel.

(A) The Board shall appoint an attorney to serve as Chief Counsel, who shall not engage in the practice of law except as authorized by the Board, and who shall not serve in a judicial capacity.

(B) Chief Counsel shall investigate and present to the Board any matters within the Board's jurisdiction and shall perform other duties as the Board may direct.

(C) The Board may hire staff counsel and appoint special counsel to perform duties as the Board may direct.

Source

The provisions of this Rule 5 adopted February 28, 1994, effective immediately, 24 Pa.B. 1941; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188724) to (188725).

Rule 6. Seal.

- (A) The Board shall have a seal.
- (B) The seal shall contain the words “Judicial Conduct Board of Pennsylvania” on the upper circle and the word “1993” on the lower area circling arms similar to those appearing on the state seal.
- (C) Chief Counsel shall retain the seal and affix it to appropriate documents.

Source

The provisions of this Rule 6 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188725) to (188726).

Rule 7. Panels.

- (A) The Chair may appoint a Panel to take testimony and to summarize that testimony in a report to the Board.
- (B) A Panel shall consist of at least three members of the Board, one of whom shall be a lawyer and one of whom shall be a non-lawyer elector.

Source

The provisions of this Rule 7 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188726) to (188727).

Rule 8. Rule-Making Procedures.

- (A) Modification Procedures
 - (1) The rules may only be amended or rescinded, or new rules adopted, by the affirmative vote of a majority of the members of the Board.
 - (2) Notice of any Board action on these rules shall be given to all members of the Board at least 30 days before the meeting at which such action will be taken, unless the time period is shortened by unanimous vote of the Board.
- (B) Publication of Proposed Changes
 - (1) Except as provided in paragraph (B)(2), any proposed change to these rules shall be forwarded to the *Pennsylvania Bulletin* for publication with a notice requesting comment.
 - (2) A proposed rule change may be promulgated without publication where exigent circumstances require the immediate adoption of the proposal or where the proposed change is of a typographical or perfunctory nature.
- (C) Adoption

These rules and any subsequent changes to them shall be available for public inspection upon adoption and shall be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

Source

The provisions of this Rule 8 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188727) to (188728).

Rule 9. Quorum.

A quorum is a majority of the members of the Board.

Source

The provisions of this Rule 9 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial page (188728).

Rule 10. Disqualification.

No member of the Board shall participate in a proceeding in which the member is a complainant, the subject of the complaint, a party, or a material witness.

Source

The provisions of this Rule 10 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial pages (188728) to (188729).

Rule 11. Voting.

(A) The affirmative vote of a majority of the members of the Board eligible to vote shall be required for the dismissal of a complaint or the filing of formal charges with the Court of Judicial Discipline.

(B) Except as provided in paragraph (A), Board decisions concerning all other actions and business of the Board shall be made by the affirmative vote of a majority of the Board members present at the meeting where the vote is taken.

(C) The affirmative vote of a majority of the members of the Board shall be required to change the Rules of Procedure.

Source

The provisions of this Rule 11 adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5786; amended March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404. Immediately preceding text appears at serial page (188729).

Rule 12. Records.

(A) The Board shall keep a record of all proceedings concerning a Judicial Officer.

(B) Chief Counsel shall be the official custodian of Board records and shall maintain them in accordance with retention policies adopted by the Board.

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JUDICIAL CONDUCT BOARD

Source

The provisions of this Rule 12 adopted March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404.

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