

CHAPTER 113. TESTIMONY; DEPOSITIONS; SUBPOENAS

Rule	
22.	Testimony.
23.	Depositions: Preservation of Testimony.
24.	Subpoenas.

Source

The provisions of this Chapter 113 adopted March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404, unless otherwise noted.

Rule 22. Testimony.

(A) All testimony presented to the Board shall be taken under oath or affirmation administered by any member of the Board, by Chief Counsel, or by any other person authorized by law.

(B) A contemporaneous verbatim record of all testimony shall be made and preserved.

(C) The Board may permit testimony to be submitted by affidavit.

Rule 23. Depositions: Preservation of Testimony.

Upon request of the Judicial Officer or Board Counsel, after notice to the opposing party, the Chair may permit the deposition of any witness who may be unavailable to testify at any proceeding. The deposed testimony shall be taken and preserved pursuant to Rule 22(A) and (B).

Rule 24. Subpoenas.

(A) The Board, by its Chair, the Chair's designee, or Chief Counsel, may issue subpoenas to compel the testimony under oath of witnesses, including the Judicial Officer who is the subject of a complaint, and to compel the production of relevant documents, books, accounts, and other records.

(B) Content

(1) The subpoena shall indicate on its face that it is issued in connection with a confidential proceeding of the Judicial Conduct Board.

(2) The subpoena shall give notice that it shall not be a breach of confidentiality for a subpoenaed person to consult with an attorney or to provide notice as required by law.

(3) The subpoena shall order the witness to appear before person or persons named at a specified date, time, and place, and to bring any items described.

(C) Service

A subpoena shall be served in person or by any process providing restricted delivery to and returned receipt from the named addressee.

(D) Challenges

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Any challenge to the validity of a subpoena shall be decided by a member or members of the Board appointed by the Chair.

(E) Enforcement

The Board, by its Chair or the Chair's designee, may enforce a subpoena by initiating proceedings in the Commonwealth Court pursuant to 42 Pa.C.S. § 761(a)(2).

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