

**CHAPTER 119. SPECIAL PROCEDURES FOR CASES INVOLVING  
MENTAL OR PHYSICAL DISABILITY**

Rule	
32.	Appointment of Counsel.
33.	Examinations.
34.	Disposition.
35.	Intervention.

**Source**

The provisions of this Chapter 119 adopted March 20, 1995, effective March 20, 1995, 25 Pa.B. 1404, unless otherwise noted.

**Rule 32. Appointment of Counsel.**

In any case in which the allegations involve a Judicial Officer's mental disability, the Board may petition the Court to appoint a lawyer to represent the Judicial Officer if the Judicial Officer is without representation.

**Rule 33. Examinations.**

The Board may require a physical, psychiatric, or psychological examination of the Judicial Officer, and may appoint one or more professionals to make an examination and prepare a report, a copy of which shall be given to the Judicial Officer. The Judicial Officer's unjustified failure to submit to a physical, psychiatric, or psychological examination required by the Board may be considered as evidence of physical or mental disability.

**Rule 34. Disposition.**

(A) If the Board finds probable cause to file a Board Complaint alleging mental or physical disability, the Board shall promptly notify the Judicial Officer and provide the Judicial Officer with an opportunity to resign from judicial office or, when appropriate, to enter a rehabilitation program acceptable to the Board prior to the filing of the Board Complaint.

(B) When a Judicial Officer enters a rehabilitation program pursuant to paragraph (C), the Board may defer filing a Board Complaint for a reasonable period of time to permit the completion of the program, provided that the Judicial Officer:

- (1) actively participates in the rehabilitation program;
- (2) consents in writing to the release of information and records relating to his or her participation in the program; and
- (3) when determined necessary by the Board, agrees to a voluntary suspension of some or all of the Judicial Officer's duties.

(C) When a rehabilitation program is completed to the Board's satisfaction, the Board may:

- (1) dismiss the complaint; or

(2) continue the matter pending a reevaluation after a period of judicial service specified by the Board.

**Rule 35. Intervention.**

(A) During the course of an investigation, upon the good faith belief that the alleged misconduct was caused by mental illness, drug dependency, addiction to alcohol, or temporary mental infirmity, the Board shall take one or more of the following actions:

- (1) request that the judicial officer resign from office;
- (2) request that the judicial officer seek appropriate treatment;
- (3) request that the judicial officer take a leave of absence from his or her judicial office until such time that the Board and the judicial officer agree that it is appropriate for the judicial officer to return to office;
- (4) upon application of the judicial officer, the Board may approve an appropriate treatment program.

(B) Action taken by a judicial officer in response to any action taken by the Board pursuant to Paragraph A, shall be considered by the Board in making a determination pursuant to Rule 31.

(C) The judicial officer's entrance into and participation in a rehabilitation program approved by the Board shall constitute good cause under Rule 31(C) for the Board to continue any full investigation beyond 180-days.

**Source**

The provisions of this Rule 35 adopted April 20, 1998, effective immediately, 28 Pa.B. 2131.

[Next page is 121-1.]