

Administrative Order

February 25, 2025

2025-RL-016

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Re: Complaint or Report of Misconduct Against the Commission on Judicial Conduct

- (a) **Applicability.** The procedures set out in this order apply when an individual files a complaint or report of misconduct against the Commission on Judicial Conduct or a member of the Commission alleging a violation of the duties set out in Supreme Court Rules 602-622. A complaint under this order will not be a substitute for a motion to disqualify a panel member under Supreme Court Rule 609.
- (b) **Complaint or Report.** An individual must submit a complaint or report of misconduct in writing to the secretary of the Commission. The secretary of the Commission must forward the complaint to the general counsel to the Chief Justice for initial review.
- (c) **Dismissal by the General Counsel to the Chief Justice.** The general counsel to the Chief Justice may decline to investigate and may dismiss a complaint or report under the following circumstances: (1) if the complaint or report does not allege conduct that constitutes a violation of the duties of the Commission; (2) if the complaint or report is facially frivolous, lacks adequate factual detail, or is duplicative; or (3) if the matter is outside the duties of the Commission.
- (d) **Investigation by the General Counsel to the Chief Justice.** Unless the general counsel to the Chief Justice dismisses an initial complaint or report under subsection (c), the general counsel to the Chief Justice must perform or otherwise arrange for an investigation of the complaint. The general counsel to the Chief Justice must see that this investigation is performed as expeditiously as possible. The general counsel to the Chief Justice or any other person performing an investigation under this order may obtain from the secretary of the Commission any relevant Commission records necessary to complete the investigation. The general counsel to the Chief Justice or any other person assisting with the investigation must treat all Commission records as confidential.
- (e) **Written Report.** Upon completion of the informal investigation, the general counsel to the Chief Justice must provide a written report to the Supreme Court. The contents of this report will be confidential. The general counsel to the Chief Justice must include in the report 1) their findings as to why there is or is not probable cause to believe a duty of the Commission was violated, and 2) a recommendation that no

action be taken or that the court take any lawful, just, and equitable action to remedy the violation.

- (f) **Records.** The secretary of the Commission must maintain records of complaints or reports received under this order as follows: (1) permanently if the complaint or report results in a member being removed from a case or from the Commission; (2) permanently if the complaint or report results in a referral to the Office of the Disciplinary Administrator or the Supreme Court; and (3) for a period of five years if the complaint or report is dismissed.
- (g) **Immunity.** Any individual or entity acting within the scope of duties under this order is absolutely immune from liability.

Dated this 25th day of February 2025.

FOR THE COURT



MARLA LUCKERT
Chief Justice