

Rule 7. Admonition Review Hearing.

(a) Hearing Panel. If a judge makes a timely demand for a private hearing as provided in Rule 6(f)(6), the board shall ask the Chief Justice of the Supreme Court to appoint a panel as provided in Rule 8(b). The judge shall be identified by number or randomly selected initials in the proceeding. The board shall notify the complainant, if any, of the judge's demand for a hearing.

(b) Panel Procedures. The procedures in Rule 9 and Rule 10(a) and (b) shall apply to an admonition review hearing except that the hearing shall be confidential and Rule 9(b) shall apply only to the extent permitted by this Rule. Depositions shall not be allowed, provided that the panel presider, for good cause shown, may authorize a subpoena and deposition of a witness living outside the state or physically unable to attend the hearing. The panel shall review the proposed admonition de novo.

(c) Form of Evidence at Admonition Review Hearing. The panel shall receive evidence only in the form of affidavits or other documents except for testimony by:

(1) The Judge;

(2) A witness whose testimony the review panel presider authorizes for good cause. If testimony is authorized, the presider may authorize the issuance of a subpoena under Rule 9(b).

(d) Disposition. The panel shall make written findings and conclusions. If the panel finds that any alleged violation is supported by clear and convincing evidence, the panel may affirm the admonition or, if the panel finds that the judge's misconduct warrants public discipline, the panel may recommend that the board issue a public reprimand or a Formal Complaint. If the board does not accept a panel's recommendation to issue a public reprimand or a Formal Complaint, the admonition review by the panel shall become final. The panel shall dismiss the complaint if there is not clear and convincing evidence supporting the violation(s) alleged in the admonition.

(e) Review by Supreme Court. The judge may petition the Minnesota Supreme Court to review a panel's affirmance of an admonition by filing a petition with the clerk of the appellate courts in accordance with Rule 117, subdivision 3, of the Rules of Civil Appellate Procedure within 30 days of being served with the review panel's decision. The judge shall be identified by number or randomly selected initials in the proceeding. The board may respond in accordance with Rule 117, subdivision 4, of the Rules of Civil Appellate Procedure. If review is granted, the matter shall proceed under Rule 14 of these Rules.

(Added effective July 1, 2016.)