

Rule 8. Formal Complaint or Formal Statement of Disability Proceeding and Notice**(a) Formal Complaint or Formal Statement of Disability Proceeding.**

(1) The Formal Complaint or Formal Statement of Disability Proceeding shall set forth the charges against the judge, the factual allegations and the time within which these rules require the judge to serve a written response. Where more than one act of misconduct is alleged, each shall be clearly set forth.

(2) The judge shall be served promptly with a copy of the Formal Complaint or Formal Statement of Disability Proceeding. Service shall be accomplished by admission of service or certified mail, or in accordance with the Rules of Civil Procedure.

(3) The judge shall serve a written response on the board within 20 days after service of the Formal Complaint or Formal Statement of Disability Proceeding.

(4) The executive secretary shall file the Formal Complaint or Formal Statement of Disability Proceeding and the written response, if any, with the Supreme Court, within 30 days of service of the Formal Complaint or Formal Statement of Disability Proceeding unless the matter is resolved. The filing time may be extended by agreement of the board and the judge.

(b) Hearing Panel. The public hearing on the Formal Complaint or Formal Statement of Disability Proceeding shall be conducted before a three-member hearing panel. Members of the panel shall be appointed by the Chief Justice of the Supreme Court within 14 days of the filing of the Formal Complaint or Formal Statement of Disability Proceeding with the Supreme Court. The panel shall consist of one judge or retired judge in good standing, one lawyer, and one member of the public. Whenever possible, the public member shall be a former member of the board. The judge or retired judge member shall be the presider, and shall have the powers of a judge of the district court for these proceedings.

(c) Notice of Hearing.

(1) The hearing panel shall schedule a public hearing. The date shall be selected to afford the judge ample time to prepare for the hearing, but shall not be later than 90 days after the filing of the Formal Complaint or Formal Statement of Disability Proceeding with the Supreme Court. The judge and all counsel shall be notified of the time and place of the hearing.

(2) If the presider allows the amendment of the Formal Complaint or Formal Statement of Disability Proceeding, or in compelling circumstances, the hearing panel shall have the authority to extend the hearing date as it deems proper.

(d) Disclosure in Public Proceedings. Notwithstanding Rule 5, in a public reprimand, a Formal Complaint, and in proceedings before a panel under this rule or Rule 7, the board may disclose private discipline previously imposed on the judge.

(e) Failure to Answer/Failure to Appear. A judge's failure to answer the Formal Complaint or failure to attend the panel hearing, unless excused by the presider for good cause shown, shall constitute an admission of the factual allegations of the Formal Complaint.

(Amended effective January 1, 1996; amended effective July 1, 2009; amended effective July 1, 2016.)