

Rule 4. Grounds for Discipline or Other Action**(a) Grounds for Discipline or Other Action Shall Include:**

(1) Conviction of a crime punishable as a felony under state or federal law or any crime involving moral turpitude;

(2) A persistent failure to perform judicial duties;

(3) Pattern of incompetence in the performance of judicial duties;

(4) Habitual intemperance;

(5) Conduct prejudicial to the administration of justice that brings the judicial office into disrepute, including, but not limited to, discrimination against or harassment of persons on the basis of race, color, creed, religion, national origin, sex, marital status, sexual preference, disability or age;

(6) Conduct that constitutes a violation of the Code of Judicial Conduct or Rules of Professional Conduct;

(7) Disability.

(b) Criminal Conviction or Acquittal. A judge's criminal conviction in any American jurisdiction, even if upon a plea of nolo contendere or subject to appellate review, is, in proceedings under these Rules, conclusive evidence that the judge committed the conduct for which the judge was convicted. The same is true of a conviction in a foreign country if the facts and circumstances surrounding the conviction indicate that the judge was accorded fundamental fairness and due process. An acquittal or other disposition of any criminal charge filed against a judge shall not preclude action by the board with respect to the conduct upon which the charge was based.

(c) Proceedings Not Substitute for Appeal. The board shall not take action against a judge for making findings of fact, reaching a legal conclusion, or applying the law as understood by the judge unless the judge acts contrary to clear and determined law and the error is egregious, made in bad faith, or made as part of a pattern or practice of legal error. Claims of error shall otherwise be left to the appellate process.

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