

Table 5.75

Judicial misconduct complaints and dispositions

By type of disposition and State, 1994-95

	Complaints			Disposition of complaints					
	Pending at beginning of reporting period	Received during reporting period	Pending at end of reporting period	Dismissed without formal or informal action ^a	Informal action taken	Judge vacated office ^b	Case dismissed after formal hearing	Judge privately censured, admonished, or reprimanded	Judge publicly censured, admonished, or reprimanded
Alabama ^c	10	174	27	153	2	0	0	X	0
Alaska	25	27	6	48	1	0	0	1	0
Arizona	60	248	45	220	25 ^d	5	0	(d)	0
Arkansas	124	185	110	194	1	3	0	X	1
California	68	1,320	101	887	41	3	0	6	3
Colorado	2	290	4	280	4	1	1	3	0
Connecticut	14	62	5	59	0	2	NA	0	0
Delaware	1	33	1	33	0	0	0	0	0
District of Columbia	3	21	3	20	1	0	0	0	0
Florida	11	438	6	432	10	1	0	X	5
Georgia	14	120	11	90	23	5	0	3	0
Hawaii	1	53	1	52	1	0	0	1	0
Idaho	21	191	11	180	1	0	0	1	0
Indiana	8	188	9	175	7	3	0	2 ^g	2
Kansas	10	311	17	271	3	1	0	4	2
Kentucky	9	204	8	197	9	1	1	5	1
Louisiana	152	205	56	285	0	2	2	X	1
Maine	5	76	10	71 ⁱ	0	0	0	X	0
Massachusetts	74	187	57	184	14	0	0	6	0
Michigan	147	624	273	479	12	1	1	7	0
Minnesota	24	159	25	144	20	1	0	10	3 ^j
Mississippi	23	226	27	186	27	1	1	1	5
Missouri	39	206	11	188	0	4	0	5	0
Nebraska	10	71	4	77	0	0	0	X	0
Nevada	41	106	58 ⁿ	100	0	0	0	X	0
New Hampshire	8	75	10	68	3	1	0	33	1
New Jersey	34	261	53	220	4	0	0	16	1
New Mexico	27	107	23	87	11	4	0	0	0
New York	154	1,438	177	1,328	32	19	0	X	14
North Carolina	11	149	21	122	0	0	0	9	3
North Dakota	10	48	40	18	0	0	0	0	0
Ohio ^o	58	687	38	707	0	0	1	0	0
Oklahoma	47	89	14	110	(p)	(p)	(p)	X	X
Oregon	6	121	7	114	2	4	0	X	0
Pennsylvania	NA	328	NA	383	0	0	0	X	0
Rhode Island	9	32	4	30	1	0	0	1	1
South Carolina	23	142	32	119	7	1	1	2	2
South Dakota	1	10	0	11	0	0	0	0	0
Tennessee	61	200	80	178	0	0	0	X	X
Texas	335	833	463	648	4	3	0	15	6
Utah	24	120	64	80	5	2	0	2	0
Washington ^q	74	262	79	247	X	0	0	X	10
West Virginia	24	237	32	221	0	2	1	0	4
Wisconsin	8	448	5	441	7	1	0	X	0
Wyoming	3	29	6	26	0	0	0	0	0

Note: The Center for Judicial Conduct Organizations conducts annual surveys of judicial conduct organizations. These organizations are typically State agencies created by statute or constitutional amendment with the mandate to receive, investigate, and dispose of complaints regarding judicial misconduct. The judicial conduct organizations handle complaints such as judicial prejudice or bias, slow processing of orders, procedural or administrative irregularity, courtroom demeanor, and conflict of interest. (The Center for Judicial Conduct Organizations, *Judicial Conduct Reporter* 3 (Fall 1981), p. 2.) A confidentiality provision prohibits revealing disposition of complaints in Virginia. Information was not available for Illinois, Iowa, Maryland, Montana, and Vermont. Cross-jurisdiction comparisons should be done cautiously due to differences among the States in reporting periods, definitions of complaints, authorized sanctions, and recording practices. For the States of Alaska, Arizona, California, Florida, Kansas, Kentucky, Mississippi, Missouri, Nevada, New Hampshire, North Carolina, Oklahoma, Tennessee, and Washington, any discrepancies in totals are due to multiple or consolidated complaints and/or dispositions.

Judicial conduct organizations use different reporting periods. Most of the statistics are for calendar year 1994. Other reporting periods are: 7/1/94 to 6/30/95 for Connecticut, Florida, Georgia, Hawaii, Kentucky, New Mexico, Missouri, North Carolina, Oklahoma, and South Dakota. 9/1/94 to 8/31/95 for New Jersey and Texas. 10/1/94 to 9/30/95 for Alabama and the District of Columbia. 1/1/95 to 12/31/95 for Massachusetts.

^aIncludes complaints dismissed after no investigation, minimal or initial investigation, or substantial investigation.

^bIncludes vacated office while investigation pending and after formal charges were filed.

^cAlabama has a two-tier judicial disciplinary system. The Judicial Inquiry Commission receives and investigates complaints. The Court of the Judiciary hears complaints filed by the commission and issues a judgment.

^dIncludes private reprimands and admonishments.

^eTen complaints were barred by the statute of limitations.

^fThe Delaware constitution does not expressly provide for suspensions or fines; case law has established the power to suspend a judicial officer, the authority to impose fines is not clear.

^gSanction is called a private reprimand but it is a public document filed by the supreme court.

^hAlthough fines are not specifically authorized, an argument could be advanced that the Supreme Court's plenary power "to make such other disposition as justice may require" encompasses imposition of a fine.

ⁱIncludes 27 matters not filed as formal complaints.

^jMonetary sanctions have been imposed as forfeiture of compensation during suspension; supreme court recently has referred to fines as available sanctions.

^kJudge may be removed only through impeachment by the legislature.

Judge suspended as final sanction	Fine imposed	Judge removed from office	Other
0	X	0	0
0	X	0	0
5	X	2	1
0	X	0	0
X	X	0	0
X	X	0	0
0	X	0	10 ^e
(f)	(f)	0	0
X	X	0	0
X	X	1	1
0	X	1	1
0	X	0	0
0	0	0	0
0	0	0	0
X	0 ^h	0	0
0	0	0	0
0	X	1	2
0	(j)	(k)	0
0	0	0	0
0	0	0	0
1	1	0	0
5	4	0	3 ^m
2	X	0	0
0	X	0	0
X	0	0	3
1	X	0	0
1	X	1	0
0	0	1	0
X	X	1	5
X	X	0	0
0	X	0	0
0	X	0	0
0	X	1	3
0	0	0	0
X	X	0	0
0	X	0	0
2	X	0	1
X	X	0	2
0	X	0	2
0	X	1	0
2	1	0	0
1	X	0	0
X	X	0	0

ⁱPublic censure is not available but if judge waives confidentiality, a censure may be released to the public.

^mThree complaints were received against a judge after the commission had already recommended he or she be removed from office. These complaints were placed on inactive status.

ⁿThe discrepancy between the complaints pending at the beginning of the reporting period, the complaints filed, and the complaints pending at the end of the reporting period is due to (1) pending requests for reconsideration of dismissals, and (2) the commission re-opening closed files and those cases being unresolved at the end of the reporting period.

^oFigures are from the Disciplinary Council for the Supreme Court, which handles over 90% of the complaints concerning Ohio judges. The balance is handled by State or local certified grievance committees.

^pInformation not released.

^qThe commission uses the term "inquiry" to denote initial contacts before substantial investigation. These may be telephone calls, letters, or news articles that may or may not become active complaints. In 1994, the Commission received 644 inquiries.

Source: American Judicature Society, Center for Judicial Conduct Organizations, *Judicial Conduct Reporter*, Vol. 17, No. 4-Vol. 18, No. 1 (Chicago: American Judicature Society, Winter-Spring 1996), pp. 2, 3. Table adapted by SOURCEBOOK staff. Reprinted by permission.