

Rule 35. Resolutions of Informal Proceedings or Other Actions

Upon consideration of all the evidence and the report of the presenter(s), the Commission may order any of the following resolutions or actions:

(a) Dismissal. Dismissal of a complaint. For informational purposes, the dismissal may include an appropriate expression of concern by the Commission regarding the circumstances.

(b) Disability Proceedings. Initiation of a disability proceeding under Rule 33.5 or stipulation to the Judge's voluntary retirement or resignation for a disability under Rule 33.5(e). Disability proceedings are not a form of judicial discipline.

(c) Diversion Plan. That the Judge follow a diversion plan, including but not limited to education, training, mentorship, counseling, drug and alcohol testing or treatment, medical treatment, medical monitoring, or docket management. A diversion plan shall be accompanied by the deferral of the Judge's disciplinary proceeding. Upon the Judge's successful completion of a diversion plan, the Commission shall dismiss the matter.

(d) Private Reprimand. Reprimanding the Judge privately for conduct that does not meet the minimum standards of judicial conduct.

(e) Private Censure. Censuring the Judge privately for conduct that involves a greater breach of the standards of judicial conduct than would warrant a private reprimand but that does not warrant public discipline.

(f) Stipulated Disposition. Agreeing with the Judge to a stipulated private disposition, which may include the Judge's resignation, retirement, or agreement not to stand for retention; resolutions under sections (c), (d), (e), and (h) of this Rule; or dismissal of the complaint. A stipulated private disposition shall remain confidential, subject to Rule 6.5(g).

(g) Initiation of Formal Proceedings. Directing special counsel to initiate a formal proceeding.

(h) Costs. Assessment of costs incurred by the Commission. Costs do not include attorney's fees.

(i) Other Action. Taking such other action that is reasonably tailored to address the Judge's misconduct, that is designed to improve the conduct of an active Judge, and that is not punitive. Such other actions are not available if a Judge has resigned or retired.