

Rule 36. ~~Sanctions~~Resolutions of Formal Proceedings

~~After considering the record of proceedings and the report of the special masters, in accordance with Article VI, Section 23(3)(e) of the Constitution, the Commission, by majority vote of the members meeting in person or by conference call, including the vote of any member who served as a presenter in prior proceedings, shall recommend that the Supreme Court dismiss the charges or order one or more of the following sanctions, except that a recommendation for removal shall require a majority vote of all members of the Commission. At the conclusion of a formal proceeding before an Adjudicative Board Panel, the Adjudicative Board Panel may order any of the following resolutions:~~

- ~~(a) Removal. ~~Remove~~ Removal of the Judge from office;.~~
 - ~~(b) Retirement. ~~Order the retirement~~Retirement of the Judge;.~~
 - ~~(c) Suspension. ~~Suspend~~ Suspension of the Judge without pay for a specified period;.~~
 - ~~(d) Disability Proceedings. ~~Remand~~ Remanding the matter to the Commission for a disability ~~proceedings~~proceeding or ~~stipulate~~stipulation to the Judge's voluntary retirement ~~by the Judge or resignation~~ for a disability under Rule 33.5(e);. Disability proceedings are not a form of judicial discipline.~~
 - ~~(e) Public Reprimand or Censure. ~~Reprimand~~ Reprimanding or ~~censure~~censuring the Judge publicly, ~~either~~ in person or ~~by~~a written order;.~~
 - ~~(f) **Private Reprimand or Censure.** Reprimanding or censuring the Judge privately as described in sections (d) and (e) of Rule 35.~~
 - ~~(g) Diversion ~~or with~~ Deferred **Discipline.** ~~Require compliance~~**Proceedings.** As an alternative to discipline, requiring that the Judge ~~comply~~ with a diversion plan ~~or deferred discipline~~as described in Rule 35(c). A diversion plan; shall be accompanied by the deferral of the formal disciplinary proceeding. Upon the Judge's successful completion of a diversion plan, the Adjudicative Board Panel shall dismiss the matter. If the Judge does not successfully complete the diversion plan, the Adjudicative Board Panel may take any further action authorized by these Rules.~~
 - ~~**(g)(h) Dismissal.** Dismissal of the matter.~~
 - ~~(i) Costs and Fees. ~~Assess~~~~
- ~~(1) Costs. Assessment of costs and fees incurred by the Commission, which may. Costs do not include a recommendation for reimbursement of its reasonable attorney fees;~~

provided the recommendation includes grounds for such reimbursement that the Court determines to be appropriate and equitable in the attorney's fees.

(2) Fees. In exceptional circumstances, ~~or~~, assessment of reasonable attorney's fees against the Judge. The Adjudicative Board Panel may only assess reasonable attorney's fees if the Commission moves for attorney's fees and proves that the Judge defended the formal proceeding, or asserted or contested any issue therein, in a manner that was substantially frivolous, substantially groundless, or substantially vexatious.

~~(h) i)~~ Other Discipline. ~~Impose Imposition of~~ any other sanction ~~or combination of sanctions, including dispositions under Rule 35, that the Court determines will curtail or eliminate the Judge's~~ 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 discipline is not available if a Judge has resigned, retired, or been removed.