

Rule 36. Resolutions of Formal Proceedings

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. Removal of the Judge from office.

(b) Retirement. Retirement of the Judge.

(c) Suspension. Suspension of the Judge without pay for a specified period.

(d) Disability Proceedings. Remanding the matter to the Commission for a disability proceeding 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.

(e) Public Reprimand or Censure. Reprimanding or censuring the Judge publicly in 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 with Deferred Proceedings. As an alternative to discipline, requiring that the Judge comply with a diversion plan 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.

(h) Dismissal. Dismissal of the matter.

(i) Costs and Fees.

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

(2) Fees. In exceptional circumstances, 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.

(j) Other Discipline. Imposition of any other sanction 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 discipline is not available if a Judge has resigned, retired, or been removed.