



Judicial Conduct Commissions

Introduction

The establishment of judicial conduct commissions (JCC) was to maintain and restore public confidence in the integrity, independence, and impartiality of their judiciary. Beginning in 1960, California became the first state to establish such an organization. Now all fifty states have some form of a JCC. They have different names in different states, such as commission, board, council, court, or committee. For a broad overview and historical comparison, please see Cynthia Gray’s work entitled [How Judicial Conduct Commissions Work](#) from 2007. Her work, although dated now, covered JCC membership, grounds for discipline, bifurcated systems, and supreme court review. Table 1 from Cynthia Gray’s work provides the authority in each state to establish a JCC. For links to each States’ JCC, please see [here](#). The American Bar Association has published their 2018 [Model Rules for Judicial Disciplinary Enforcement](#), which covers JCC organization and authority.

JCC Membership

Although the composition of JCCs are unique in each state, there are some commonalities. The National Center for State Courts continues to track the membership of state JCCs with their most recent [chart](#) being revised August 2019. Most states have term limits between 3 and 6 years. Many include members such as judges, attorneys, justices of the peace, public members, or clerks of court. Many states choose to further break down the membership of judges by the type of court they are in. For example, Tennessee requires 2 trial judges, 1 general sessions court judge, 1 municipal court judge, 1 juvenile court judge, 1 court of appeals or court of criminal appeals judge, and 2 additional judges.

Table 1
Establishment of State Judicial Conduct Commissions

By State Constitution	By State Statute	By State Court Rule
Alabama Constitution, Article VI, §§ 157, 158	Connecticut General Statutes, § 5151k	Hawaii Supreme Court Rules, Rule 8
Alaska Constitution, Article IV, § 10	Idaho Code, Chapter 21, § 12101	Kansas Supreme Court Rules, Rules 602-627
Arizona Constitution, Article VI.1, § 1	Iowa Code, Title XV, Subtitle 2, Chapter 602, Article 2, Part 1	New Hampshire Supreme Court Rules, Rule 38-A
Arkansas Constitution, Amendment 66	Maine Statutes, Title 4, § 9 B	New Jersey Supreme Court Rules, Rule 2:15
California Constitution, Article VI, §§ 8, 18, 18.1, and 18.5	Massachusetts General Laws, Chapter 211C	South Carolina Appellate Court Rules, Rule 502
Colorado Constitution, Article VI, § 23	Minnesota Statutes, § 490.15	Vermont Supreme Court Rules for Disciplinary Control of Judges
Delaware Constitution, Article IV, § 37	North Carolina Statutes, Article 30, § 7A-374.1	West Virginia Rules of the Judicial Disciplinary Procedure, Rule 1
Florida Constitution, Article V, § 12(b)	North Dakota Code, 27-23-01	
Georgia Constitution, Article VI, § 7, ¶ VI	Ohio Code, § 2701.11	
Illinois Constitution, Article VI, § 15	Oklahoma Statutes, Title 20, § 1651	
Indiana Constitution, Article 7, § 9	Oregon Revised Statutes, §§ 1.410 through 1.480	
Kentucky Constitution, § 121	Rhode Island General Laws, Title 8, Chapter 16	
Louisiana Constitution, Article V, § 25	Tennessee Statutes, § 17-5-101	
Maryland Constitution, Article IV, 4A	Utah Code, Title 78, Chapter 8	
Michigan Constitution, Article VI, § 30	Virginia Code, § 17.1-901	
Mississippi Constitution, § 177A	District of Columbia Code, § 11-1521.	
Missouri Constitution, Article V, § 24		
Montana Constitution, Article VII, § 11		
Nebraska Constitution, Article V, § 28		
Nevada Constitution, Article VI, § 21		
New Mexico Constitution, Article VI, § 32		
New York Constitution, Article VI, § 22		
Pennsylvania Constitution, Article V, § 18		
South Dakota Constitution, Article V, § 9		
Texas Constitution, Article 5, § 1-a		
Washington State Constitution, Article IV, § 31		
Wisconsin Constitution, Article VII, § 11		
Wyoming Constitution, Article 5, § 6.		



Available Sanctions

Depending on the conduct being disciplined, JCCs use plethora of private and public disciplinary sanctions. NCSL has continued to track this information most recently in their 2019 document, [Available Sanctions in Judicial Discipline Proceedings](#). When making public disciplinary sanctions, JCCs will either be subject to supreme court review for their actions or be limited to making recommendations for public sanctions to the supreme court to approve or deny.

Confidentiality

Confidentiality of the work JCCs oversee has continued to be a discussion of debate. For example, in Robert Tembeckjian’s 2007 work [Judicial Disciplinary Hearings Should Be Open](#), he argued “citizens have a right to know when a judge’s integrity has been seriously questioned, and opening the process to public scrutiny would help to ensure that the process is and appears to be honest, which is a special concern whenever a profession polices itself.” As of 2007, thirty-five states had already adopted sunshine laws or rules regarding formal judicial disciplinary hearings. Table 1 from Robert’s work provides when confidentiality ceases.

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Table 1
 When Confidentiality Ceases

Formal Disciplinary Charges Are Instituted (After Investigation)	Disciplinary Commission or State Supreme Court Renders Discipline
Alabama	Nevada
Alaska	New Hampshire
Arizona	New Jersey
Arkansas	North Carolina
California	North Dakota
Connecticut	Ohio
Florida	Oklahoma
Georgia	Oregon
Illinois	Pennsylvania
Indiana	Rhode Island
Kansas	South Carolina
Kentucky	Tennessee
Maryland	Texas
Massachusetts	Vermont
Michigan	Washington
Minnesota	West Virginia
Montana	Wisconsin
Nebraska	

Source: American Judicature Society.

NCSL's Civil & Criminal Justice Program is in Denver, Colorado, at cj-info@ncsl.org

Statutes & bills may be edited or summarized; full text can be retrieved through:

<http://www.ncsl.org/aboutus/ncslservice/state-legislative-websites-directory.aspx>

Information is provided for representative purposes; this may not be a complete list or analysis.