

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO THE
ORDER ESTABLISHING THE COMMITTEE ON JUDICIAL
RESPONSIBILITY AND DISABILITY AND THE
MAINE RULES OF THE COMMITTEE ON JUDICIAL
RESPONSIBILITY AND DISABILITY

2019 Me. Rules 10

Effective: November 12, 2019

All of the Justices concurring therein, it is hereby ORDERED that the introduction and paragraphs 8 and 9 of the Order Establishing the Committee on Judicial Responsibility and Disability, and Rules 2, 3, and 6 of the Rules of the Committee on Judicial Responsibility and Disability are amended to read as follows.

**ORDER ESTABLISHING COMMITTEE ON JUDICIAL RESPONSIBILITY AND
DISABILITY.**

All of the Justices concurring therein, the ORDER establishing this Committee took effect on July 5, 1978. The Order was amended by orders that took effect on August 21, 1978, December 11, 1981, March 7, 1983, November 15, 1983, December 1, 1984, August 18, 1987, May 13, 1993, August 1, 1994, October 1, 1998, January 1, 2001, and November 10, 2015, and is hereby further amended, effective July 1, 2018, and is hereby further amended, effective November 12, 2019, to provide as follows:

....

8. All proceedings before the Committee shall be confidential, and no information shall be published by the Committee unless by order of the Supreme Judicial Court;, except that:

(1) A. In connection with the consideration of the appointment of a person who is or has been a judge, the Committee shall provide information on any complaints made against that person and the

Committee’s disposition thereof, upon written request from the Governor or the Legislature’s Joint Standing Committee on the Judiciary or other appropriate legislative committee, or from a United States governmental agency or official authorized to consider and act upon the nomination or appointment of persons to United States government positions.

(2) B. Upon request of the person whose conduct is being investigated, or by majority vote of the Committee, after giving that person an opportunity to express his views on the question, any hearing held pursuant to paragraph 7 of this order shall be public.

(3) C. Information may be provided to the Board of Overseers of the Bar, the Grievance Commission, and Bar Counsel in connection with matters within their jurisdiction.

(4) D. Unless otherwise provided by law, any person who is the subject of a complaint to the Committee may disclose at any time any information contained in the complaint.

9. If after the completion of the Committee’s investigation and hearing, if any, the Committee determines (iA) that the person under investigation has been convicted of a crime, the nature of which casts into doubt his continued willingness to conform his conduct to the Code of Judicial Conduct as applicable or (iiB) that in fact the person has violated the Code as applicable and that the violation is of a serious nature so as to warrant formal disciplinary action, the Committee shall file a report of its findings with the Supreme Judicial Court together with a statement of the alleged charges, a recommendation as to action by the Court, the transcript of any hearing, and any exhibits considered by the Committee. Any further proceedings shall be before the Court and shall be public.

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**RULE 2.
HEARING BY THE COMMITTEE**

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RULE 3.
REPORT TO THE SUPREME JUDICIAL COURT

A report to the Supreme Judicial Court shall include a statement of the alleged charges, a statement of the Committee's findings of fact and conclusions of law, and a recommendation of action by the Court. A copy of such report shall be provided to the judge. The report shall be accompanied by the complete record of the matter before the Committee including the transcript of any hearing and any exhibits considered by the Committee. Any further proceedings shall be before the Court and shall be open to the public.

....

RULE 6.
CONFIDENTIALITY

A. Except as otherwise provided by these rules or by order of the Supreme Judicial Court, all proceedings before the Committee shall be confidential and no information may be published by the Committee. All persons concerned with any matter before the Committee shall be requested to respect the confidentiality of Committee proceedings.

B. Any hearing held before the Committee pursuant to Rule 2 of these rules shall be confidential except that it shall be public upon request of the person whose conduct is being investigated, or by majority vote of the Committee after giving that person an opportunity to express his views on the question. In determining whether a hearing shall be public the Committee will consider the public interest in access to information, the stage of the Committee's investigation into the matters to be heard, any special need to protect the confidentiality of witnesses or testimony in the particular proceedings, the presence in the proceedings of matters that are otherwise made confidential by law, the extent and nature of public awareness of the proceedings or their subject matter, and any special factors that may be relevant in the particular situation.

C. Unless otherwise provided by law, any person who is the subject of a complaint to the Committee may disclose at any time any information contained in the complaint.

D. As indicated in Rule 3, if the Committee decides that a charge has been established and reports its decision to the Supreme Judicial Court, any proceedings held by the Court shall be open to the public.

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Advisory Committee Note – November 2019

Paragraph 9 of the Order establishing the Committee, the name of Rule 2, and portions of Rules 3 and 6 are amended to clarify that, in conformance with prior practice, any judicial conduct proceedings or hearings held by the Supreme Judicial Court are open to the public. In addition, the Order establishing the Committee is amended to add a comma in paragraph 8 and to correct the identification of the subparagraphs in paragraphs 8 and 9.

Dated: November 12, 2019

FOR THE COURT,*

_____/s/_____
LEIGH I. SAUFLEY
Chief Justice
DONALD G. ALEXANDER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.