



Justice we can believe in

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DENVER

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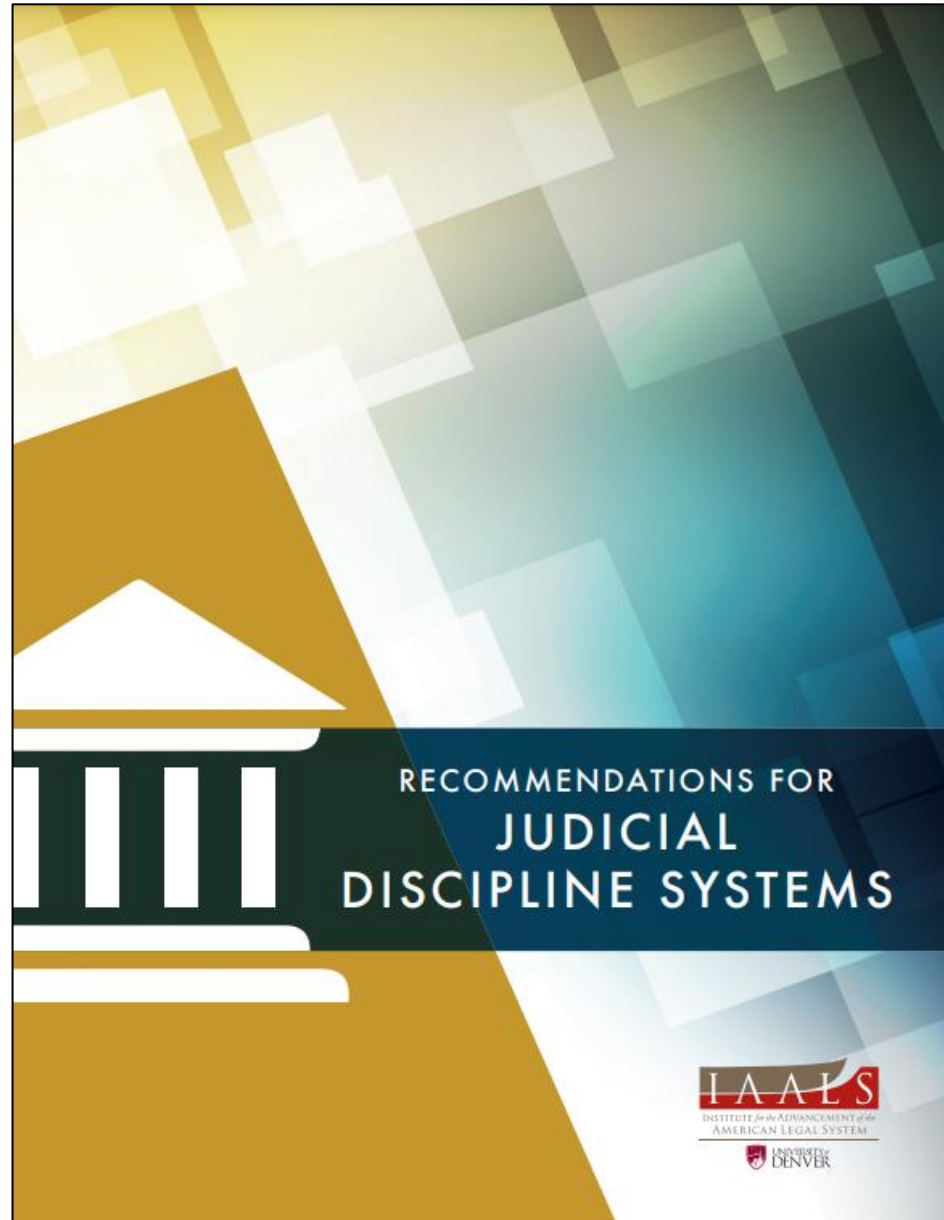
# GOALS AND PRINCIPLES FOR JUDICIAL DISCIPLINARY SYSTEMS

MARCH 1-2, 2018

THE STURM FAMILY  
FOUNDATION

**DIALOGUES**  
*at the Penrose House—a program of El Pomar Foundation*

**IAALS**  
INSTITUTE for the ADVANCEMENT of the  
AMERICAN LEGAL SYSTEM  
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# Broad Goals

- Protect the public
- Promote public confidence in the integrity, independence, competence, and impartiality of the judiciary
- Encourage judges to maintain high standards of conduct both on and off the bench.

# How Commissions Accomplish These Goals

- Through investigations of allegations of misconduct or incapacity and appropriate disciplinary action
- The Montana Constitution, Art VII § 1.1, provides for removal and discipline, and provides that the Supreme Court may
  - (a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or
  - (b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of canons of judicial ethics adopted by the supreme court of the state of Montana, or habitual intemperance.



# Protecting Impartial Judicial Decision-Making

- The disciplinary process is not—and cannot be—another means of appealing an outcome of the case.
- IAALS Recommendation: The Commission should clearly explain the difference between conduct that is appropriate for an appeal and conduct that is appropriate for a discipline complaint, and commissioners should carefully screen for the latter, even when the conduct complained about is a judicial decision.

# Promoting Commission Independence, Impartiality, and Integrity

- Diverse Commission Composition
- Legislative Funding Source
- Structure that Separates Investigation from Adjudication
- Written and Thorough Procedural Rules and Codes of Conduct for the Commission
- Orientation and Continuing Education for Commissioners and Staff

# Fairness and Efficiency in Commission Operations

- Initiating Complaints
- Screening of Complaints
- Transparency and Confidentiality of Proceedings
- Orders



# Education and Dissemination

- Summary Statistics
- Educating Judges and the Public



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