MARYLAND COMMISSION ON JUDICIAL DISABILITIES: COMPLAINT PROCESS

Any individual who has information that a judge or justice may have committed sanctionable conduct or have a disability or impairment can file a complaint with the Maryland Commission on Judicial Disabilities ("Commission"). Complainant may submit the Complaint Form on the Commission's website or submit written allegations under oath. Investigative Counsel reviews each properly filed complaint.

If allegations do not satisfy the requirements,
Investigative Counsel notifies the complainant that allegations were considered and found not to be cognizable and explains the reasons for the dismissal of the complaint.

If allegations satisfy the requirements, Investigative Counsel acknowledges receipt of the complaint and explains to complainant the procedure for investigating and processing the complaint.

Rule 18-421

Investigative Counsel dockets the complaint, conducts a full investigation, and issues a report and recommendation to the Judicial Inquiry Board ("Board") or directly to the Commission.

Rule 18-422

The Board reviews the report and recommendation from Investigative Counsel. After review and consideration, the Board submits a report to the Commission to include one of the following recommendations: dismissal (with or without a letter of cautionary advice), a conditional diversion agreement, reprimand, filing of charges, or retirement (based upon a finding of disability). *Rule 18-423*

The Commission reviews the report and recommendation from Investigative Counsel and/or the Board, any timely responses, and determines a disposition in accord with *Rules 18-425 – 18-428*

If the Commission finds probable cause (based on sanctionable conduct, disability, or impairment), Investigative Counsel is directed to file charges and serve the judge. The Commission notifies the complainant and schedules a hearing. *Rule 18-431*

A hearing on charges will proceed against the judge. Following the hearing, the judge and Investigative Counsel may submit proposed findings of fact and conclusions of law. *Rule 18-434*

If the Commission finds that the judge has a disability or impairment, the matter is referred to the Supreme Court of Maryland. If the Commission finds that the judge has committed sanctionable conduct, the matter <u>may</u> be referred to the Supreme Court of Maryland (depending on the Commission's determinations). *Rule 18-435*

The Supreme Court of Maryland determines the final disposition in a matter referred to the court.

Rule 18-437