

Chapter JC 3 GENERAL PROVISIONS

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JC 3.01 Confidentiality. The proceedings of the judicial commission prior to the filing of a formal complaint concerning misconduct or a petition concerning permanent disability are confidential, unless a written waiver of confidentiality has been made by the judge or court commissioner. If a person who makes an allegation under s. JC 4.01 or 5.01, breaches the confidentiality of the investigation, the commission may dismiss the allegation, admonish the person or take other appropriate action. Clarifying and other statements may be made by the commission regarding an investigation as provided in s. 757.93 (2), Stats.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; am. Register, February, 1982, No. 314, eff. 3-1-82; am. Register, August, 1991, No. 428, eff. 9-1-91; am. Register, June, 1993, No. 450, eff. 7-1-93.

JC 3.02 Independent investigators. The commission may authorize the executive director to appoint independent persons to investigate allegations of misconduct or permanent disability, with authority and duties specified by the executive director or commission.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; am. Register, February, 1982, No. 314, eff. 3-1-82; am. Register, August, 1991, No. 428, eff. 9-1-91.

JC 3.03 Revised allegation. The commission may decide after an investigation has started that a particular allegation of misconduct is properly an allegation of disability or that a particular allegation of disability is properly an allegation of misconduct. If an allegation is revised in this manner, a new allegation shall be made and proceedings shall continue under ch. JC 4 or 5, whichever is applicable.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; am. Register, February, 1982, No. 314, eff. 3-1-82; am. Register, August, 1991, No. 428, eff. 9-1-91.

JC 3.04 Disqualification. (1) A member shall not participate in any matter if a judge similarly situated would be disqualified in a court proceeding. In cases other than mandatory disqualification if the propriety of participation is challenged, the question shall be decided by a majority of the other commissioners present and voting.

(2) A member who while serving on the commission makes any financial or other public contribution supporting or opposing a candidate for election or appointment to judicial office shall not participate in any matter involving a judge or court commissioner who at the time of the contribution was a candidate for that of-

fice. Public contributions include signing or circulating nomination papers, soliciting campaign contributions, and openly endorsing or opposing the election or appointment of a particular candidate.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; am. Register, February, 1982, No. 314, eff. 3-1-82; renum. to be (1) and am., cr. (2), Register, August, 1991, No. 428, eff. 9-1-91; am. (2), Register, June, 1993, No. 450, eff. 7-1-93.

JC 3.05 Internal proceedings. The commission shall prescribe procedures for its internal proceedings as the commission deems appropriate.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; am. Register, February, 1982, No. 314, eff. 3-1-82.

JC 3.06 Commission not to act as appellate court. The commission shall not function as an appellate court to review the decisions of a court, judge, or court commissioner or to exercise superintending or administrative control over determinations of courts, judges or court commissioners.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; renum. from JC 3.07, Register, February, 1982, No. 314, eff. 3-1-82; am. Register, June, 1993, No. 450, eff. 7-1-93.

JC 3.07 Jurisdiction. Allegations may be considered only if they relate to actions or conduct occurring while the judge or court commissioner holds judicial office or is eligible to serve as a reserve judge under s. 753.075, Stats., and applicable supreme court rules. Actions or conduct of a person prior to assuming judicial office or subsequent to leaving judicial office, unless the person is eligible to serve as a reserve judge under s. 753.075, Stats., and applicable supreme court rules, are not within the jurisdiction of the commission.

Note: "Applicable supreme court rules" include SCR 32.08, which requires a judge to earn annually 5 continuing education credits in order to be eligible for appointment as a reserve judge.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79; renum. from JC 3.08 and am., Register, February, 1982, No. 314, eff. 3-1-82; am. Register, June, 1993, No. 450, eff. 7-1-93.

JC 3.08 Access to files by commissioners. A commissioner shall have access to all commission records, whether open to the public or confidential, except for those confidential records on a matter in which the commissioner is, was, or would have been disqualified.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.