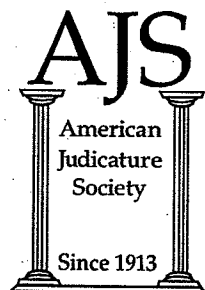


# **A STUDY OF STATE JUDICIAL DISCIPLINE SANCTIONS**

BY CYNTHIA GRAY



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**TABLE I**  
**INFORMAL DISPOSITIONS OR PRIVATE SANCTIONS –**  
**BEFORE FILING OF FORMAL CHARGES<sup>1</sup>**

Alabama	Advice; further counseling or other assistance; no private sanction
Alaska	Informal private admonishment; letter of caution; memorandum of understanding; recommendation for counseling
Arizona	Preliminary measures: advisory letter, diversion program (for example, counseling or treatment, education, mentoring), and consultation. Informal sanctions: private admonition, private reprimand, and other measures
Arkansas	Informal adjustment (direct professional treatment or conditions to be followed); public admonishment
California	Private admonishment; advisory letter
Colorado	Professional counseling; private admonishment, reprimand, or censure; "take or direct other action"
Connecticut	Request appropriate treatment
Delaware	Discipline by consent; stipulated disposition of proceedings involving alleged disability
District of Columbia	Private reprimand; professional counseling/treatment and monitoring
Florida	Advice; counseling or other assistance; appearance or response
Georgia	Private admonition or reprimand
Hawaii	Private reprimand; inform or admonish judge that conduct is or may be cause for discipline; direct professional counseling or assistance; impose conditions on conduct; cautionary letter; informal meeting with commission to discuss problems or issues
Idaho	Private reprimand; remedial action to resolve issue; informal admonition
Illinois	Require appearance; private letter of admonishment or caution
Indiana	Advisory or cautionary letter; confidential admonition, caution, or agreement; commission admonition in lieu of charges pursuant to agreement with public statement or findings
Iowa	NA

1. "NA" means no informal disposition or private sanction is available.

Kansas	Dismissal with caution; letter of informal advice; private or public cease and desist order; refer to impaired judges assistance committee
Kentucky	Private reprimand or admonition
Louisiana	NA
Maine	Letter of warning; recommendation of informal correction to chief justice or other appropriate judicial department official
Maryland	Dismissal with warning; private reprimand; deferred discipline agreement
Massachusetts	Private admonishment; counseling; conditions; private reprimand with consent; by agreement with judge before or after filing of formal charges, commission may inform or admonish judge that his conduct may be or is cause for discipline
Michigan	By commission: explanatory letter; cautionary letter; private admonishment; requirement that judge, for example, take sensitivity training, return attorney's fee, disqualify in cases involving certain lawyers. By supreme court: private censure
Minnesota	Warning; personal appearance; visit by delegation; conditions; counseling, treatment, or other assistance
Mississippi	Letter of agreement or memorandum; meeting; private admonishment
Missouri	Informal recommendations made in conference with commission members (if judge agrees, matter disposed of on basis of agreement); appearance before commission; cease and desist order (if judge agrees, matter disposed of on basis of agreement)
Montana	Private admonition or reprimand
Nebraska	NA
Nevada	Deferred discipline agreement to require rehabilitation, treatment, education, or minor corrective action
New Hampshire	Informal resolution
New Jersey	Caution, admonition, private reprimand
New Mexico	Letter of caution; mentorship; counseling
New York	Pre-charge letter of dismissal and caution; post-charge letter of caution
North Carolina	Private admonition
North Dakota	Admonition with consent; deferred discipline agreement

Ohio	NA
Oklahoma	NA
Oregon	NA
Pennsylvania	Letter of counsel (may include conditions)
Rhode Island	Private reprimand
South Carolina	Confidential admonition with consent; deferred discipline agreement; letter of caution (with or without a finding of misconduct)
South Dakota	Private reprimand
Tennessee	Private admonition with consent; deferred discipline
Texas	Referral to amicus curiae program for assistance with impairment; private or public admonition; private or public warning; private or public reprimand; order of education (may be issued with other sanctions)
Utah	NA
Vermont	Deferred discipline agreement (may include conditions, education, counseling, substance abuse programs, monitoring)
Virginia	Counseling; informal conference with all or part of commission
Washington	NA
West Virginia	Public admonishment
Wisconsin	Dismissal with expression of concern or warning
Wyoming	Settlement; corrective notice



**TABLE II**  
**FORMAL SANCTIONS – AFTER FILING OF FORMAL CHARGES**

	By commission subject to supreme court review	By supreme court after commission recommendation
<b>Alabama</b> <sup>1</sup>	Public censure Suspension Removal Retirement or suspension for disability	
<b>Alaska</b>		Public censure Suspension Removal Retirement
<b>Arizona</b>	Public censure <sup>2</sup> Suspension without pay <sup>2</sup> Removal <sup>2</sup> Retirement for disability <sup>2</sup>	Public censure Suspension without pay Removal Retirement for disability
<b>Arkansas</b>	Public reprimand Public censure	Suspension Removal Leave or retirement for disability Lawyer discipline
<b>California</b>	Advisory letter Private admonishment Public admonishment Public censure Removal Retirement for disability Bar former judge from service with censure	

1. Alabama. Complaint is filed by Judicial Inquiry Commission; sanction decision is made by Court of the Judiciary; judge may appeal to supreme court.

2. Arizona. Pursuant to stipulation.

	By commission subject to supreme court review	By supreme court after commission recommendation
Colorado		Discipline Public reprimand Public censure Suspension Removal Retirement for disability "Any other sanction or combination of sanctions that the commission or Supreme Court believes will curtail or eliminate the judge's misconduct"
Connecticut	Public censure Suspension for less than a year Retirement for disability	Suspension for longer than a year Removal
Delaware <sup>3</sup>	Discipline by consent Stipulated disposition of proceedings involving alleged disability	Public censure Removal Retirement
District of Columbia	Removal Involuntary retirement	
Florida		Public reprimand Fine Suspension with or without pay Removal Retirement for disability Lawyer discipline
Georgia		Public reprimand Public censure Suspension with or without pay Removal Retirement for disability
Hawaii		Public reprimand Public censure Suspension Limitations or conditions Removal Retirement

3. Delaware. Sanctions are reviewed or imposed by the Court on the Judiciary, which is comprised of the justices of the Supreme Court, the chancellor of the Court of Chancery, and the president judge of the superior court.



	By commission subject to supreme court review	By supreme court after commission recommendation
Idaho		Discipline Removal Retirement
Illinois <sup>4</sup>	Public reprimand Public censure Suspension without pay Removal Suspension with or without pay or retirement for disability	
Indiana		Public reprimand Public censure Fine Suspension Limitations or conditions Removal Retirement Discipline as attorney
Iowa		Discipline Removal Retirement
Kansas		Public censure Suspension Removal Retirement
Kentucky	Private admonition Private reprimand Public reprimand Public censure Suspension Removal Retirement	
Louisiana		Public censure Suspension with or without pay Removal Involuntary retirement for misconduct Involuntary retirement for disability

4. Illinois. Sanction decision is made by the Courts Commission, based on a complaint brought by the Judicial Inquiry Board; there is no review by the Illinois Supreme Court.

	By commission subject to supreme court review	By supreme court after commission recommendation
Maine		Public reprimand Civil penalty Suspension
Maryland	Public reprimand	Public censure Other appropriate discipline Removal Retirement
Massachusetts		Private reprimand Private censure Public reprimand Private censure  Fine Suspension Retirement Lawyer discipline Limitations or conditions "Any other sanction which is reasonable and lawful" <sup>5</sup>
Michigan		Public censure Suspension Retirement Removal Other disciplinary action (conditional suspension, supervision, monitoring, imposition of costs, restitution)
Minnesota <sup>6</sup>		Public reprimand Public censure Civil penalty Suspension with or without pay Limitations or conditions Removal Retirement Lawyer discipline

5. Massachusetts. Although statute provides that the supreme judicial court may remove a judge following a hearing before the Commission on Judicial Conduct, the state constitution provides that only the legislature has the power to remove a judge.

6. Minnesota. These sanctions are also available before the filing of public charges if the judge does not dispute the proposed resolution by requesting a public hearing.

	By commission subject to supreme court review	By supreme court after commission recommendation
Mississippi		Private reprimand Public reprimand Public censure Fine Suspension Removal Retirement for disability
Missouri		Public reprimand Discipline Suspension Removal Retirement for disability
Montana		Public reprimand Censure Suspension Removal Retirement for disability
Nebraska	Public reprimand <sup>7</sup>	Public reprimand Discipline Public censure Suspension without pay for less than 6 months Removal Retirement for disability
Nevada	Public censure Fine Suspension Removal Probation pursuant to conditions Attend training or education Follow remedial course of action Issue public apology Conditions or limitations Seek medical, psychiatric, or psychological care Agree not to seek office in the future	

7. Nebraska. Not subject to supreme court review.

	By commission subject to supreme court review	By supreme court after commission recommendation
New Hampshire	Public reprimand	Public censure Suspension without pay Removal
New Jersey		Public reprimand Public censure Suspension Removal
New Mexico		Public reprimand Public censure Fine Suspension Removal Retirement Limitations or conditions on judicial duties
New York	Public admonishment Public censure Removal	
North Carolina		Public censure Removal Removal for mental or physical incapacity
North Dakota		Public censure Suspension Removal Retirement Other disciplinary action
Ohio		Public reprimand Stayed suspension with or without supervised probation Suspension without pay Removal Retirement Suspension of law license Permanent disbarment
Oklahoma <sup>8</sup>	Suspension Removal	

8. Oklahoma. Sanction decision is made by the Trial Division of the Court of the Judiciary; the decision may be appealed to the Appellate Division of the Court of the Judiciary; there is no appeal to the Oklahoma Supreme Court.

	By commission subject to supreme court review	By supreme court after commission recommendation
Oregon		Public censure Suspension Removal
Pennsylvania <sup>9</sup>		Public censure Suspension Removal Other discipline authorized
Rhode Island		Public censure Public reprimand Suspension Removal Retirement
South Carolina		Public reprimand Public, unpublished admonition Suspension Limitations Removal Recommendation of removal to appropriate authority Any other sanction determined appropriate
South Dakota		Public censure Suspension Removal Retirement
Tennessee	Suspension with pay Limitations and conditions Cease and desist Deferred discipline Recommendation of removal to legislature	
Texas	Public warning Public reprimand Public admonition Public censure	Removal <sup>10</sup> Involuntary retirement

9. Pennsylvania. Sanction decision is made by Court of Judicial Discipline; judge or Judicial Conduct Board may appeal to Pennsylvania Supreme Court.

10. Texas. State Commission on Judicial Conduct removal recommendations are heard by a seven-member review tribunal appointed by the Texas Supreme Court.

	By commission subject to supreme court review	By supreme court after commission recommendation
Utah		Private reprimand Public reprimand Public censure Suspension Removal Involuntary retirement
Vermont		Public reprimand Suspension (temporary or until end of term) Retirement
Virginia	Private reprimand Supervision	Public censure Removal Retirement
Washington	Public admonishment Public reprimand Public censure	Suspension Removal
West Virginia		Public admonishment Public reprimand Public censure Fine up to \$5,000 Suspension without pay for up to 1 year Retirement for disability
Wisconsin		Public reprimand Public censure Suspension Removal for cause or disability
Wyoming		Public censure Retirement Removal

**TABLE III**  
**PRIVATE, INFORMAL, AND FORMAL DISPOSITIONS<sup>1</sup>**

	Private or informal disposition <sup>2</sup>	Public sanction	Fine	Suspension	Removal	Other <sup>3</sup>
Alabama	Yes	Censure	NA	Yes	Yes	Yes
Alaska	Yes	Censure	NA	Yes	Yes	Yes
Arizona	Yes	Censure	NA	Yes	Yes	Yes
Arkansas	Yes	Reprimand Censure	NA	Yes	Yes	Yes
California	Yes	Admonishment Censure	NA	NA	Yes	Yes
Colorado	Yes	Discipline Reprimand Censure	NA	Yes	Yes	Yes
Connecticut	Yes	Censure	NA	Yes	Yes	Yes
Delaware	Yes	Censure	NA	Yes	Yes	Yes
D.C.	Yes	NA	NA	NA	Yes	Yes
Florida	Yes	Reprimand	Yes	Yes	Yes	Yes
Georgia	Yes	Reprimand Censure	NA	Yes	Yes	Yes
Hawaii	Yes	Reprimand Censure	NA	Yes	Yes	Yes
Idaho	Yes	Discipline	NA	NA	Yes	Yes
Illinois	Yes	Reprimand Censure	NA	Yes	Yes	Yes
Indiana	Yes	Reprimand Censure	Yes	Yes	Yes	Yes
Iowa	NA	Discipline	NA	NA	Yes	Yes
Kansas	Yes	Censure	NA	Yes	Yes	Yes
Kentucky	Yes	Reprimand Censure	NA	Yes	Yes	Yes

1. "NA" means disposition is not available in the jurisdiction.

2. See Table I.

3. See Table II.

	Private or informal disposition	Public sanction	Fine	Suspension	Removal	Other
Louisiana	NA	Censure	NA	Yes	Yes	Yes
Maine	Yes	Reprimand	Yes	Yes	NA	NA
Maryland	Yes	Reprimand Censure	NA	NA	Yes	Yes
Massachusetts	Yes	Reprimand Censure	NA	NA	NA	Yes
Michigan	Yes	Censure	NA	Yes	Yes	Yes
Minnesota	Yes	Reprimand Censure	Yes	NA	Yes	Yes
Mississippi	Yes	Reprimand Censure	Yes	Yes	Yes	Yes
Missouri	Yes	Reprimand	NA	Yes	Yes	Yes
Montana	Yes	Reprimand Censure	NA	NA	Yes	Yes
Nebraska	NA	Reprimand Discipline Censure	NA	Yes	Yes	Yes
Nevada	Yes	Censure	Yes	Yes	Yes	NA
New Hampshire	Yes	Reprimand Censure	NA	Yes	Yes	NA
New Jersey	Yes	Reprimand Censure	NA	Yes	Yes	NA
New Mexico	Yes	Reprimand Censure	Yes	Yes	Yes	Yes
New York	Yes	Admonishment Censure	NA	NA	Yes	NA
North Carolina	Yes	Censure	NA	NA	Yes	Yes
North Dakota	Yes	Censure	NA	NA	Yes	Yes
Ohio	NA	Reprimand	NA	Yes	Yes	Yes
Oklahoma	NA	NA	NA	Yes	Yes	NA
Oregon	NA	Censure	NA	Yes	Yes	NA
Pennsylvania	Yes	Censure	NA	Yes	Yes	NA



	Private or informal disposition	Public sanction	Fine	Suspension	Removal	Other
Rhode Island	Yes	Reprimand Censure	NA	Yes	Yes	Yes
South Carolina	Yes	Reprimand	NA	Yes	Yes	Yes
South Dakota	Yes	Censure	NA	Yes	Yes	Yes
Tennessee	Yes	NA	NA	Yes	NA	Yes
Texas	Yes	Warning Reprimand Admonition Censure	NA	NA	Yes	Yes
Utah	NA	Reprimand Censure	NA	Yes	Yes	Yes
Vermont	Yes	Reprimand	NA	Yes	NA	Yes
Virginia	Yes	Censure	NA	NA	Yes	NA
Washington	NA	Admonishment Reprimand Censure	NA	Yes	Yes	NA
West Virginia	Yes	Admonishment Reprimand Censure	Yes	Yes	NA	Yes
Wisconsin	Yes	Reprimand Censure	NA	Yes	Yes	Yes
Wyoming	Yes	Censure	NA	NA	Yes	Yes