

THE COURTS

Title 207—JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CH. 117]

Rescission of Rule 31

At its February 5, 2007 meeting, the Judicial Conduct Board proposed to rescind Rule 31 of Chapter 117 of their Rules of Procedure, in its entirety. Interested persons are invited to submit written comments regarding this proposed rescission to:

Joseph A. Massa, Jr.
Chief Counsel
Judicial Conduct Board
Pennsylvania Place
301 Chestnut Street, Suite 403
Harrisburg, PA 17101

All commentary must be received within 30 days following publication of this proposed rescission in the *Pennsylvania Bulletin*.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

CHAPTER 117. [DISPOSITION; CONTINUANCES] (Reserved)

Rule 31. [Disposition of Complaint] (Reserved).

[(A) Except as provided in paragraph (C), within 180 days of the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:

(1) dismiss the complaint upon a finding that there is no existing probable cause to file formal charges;

(2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:

(a) consents in writing;

(b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and

(c) agrees to and satisfies any conditions required by the Board; or

(3) authorize the filing of formal charges with the Court of Judicial Discipline.

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

(C) Exceptions.

(1) The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.

(2) The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.

(3) The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion.]

[Pa.B. Doc. No. 07-679. Filed for public inspection April 20, 2007, 9:00 a.m.]