

Selected Pennsylvania Statutes

PENNSYLVANIA CONSOLIDATED STATUTES

Title 42, Judiciary and Judicial Procedure

CHAPTER 7. JURISDICTION OF APPELLATE COURTS

42 Pa.C.S.A. Sec. 725 - DIRECT APPEALS FROM CONSTITUTIONAL AND JUDICIAL AGENCIES

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the following constitutional and judicial agencies:

* * *

(2) Court of Judicial Discipline, except matters within the exclusive jurisdiction of a special tribunal as established under section 18(c)(1) of Article V of the Constitution of Pennsylvania. *1976, July 9, P.L. 586, No. 142, Sec. 2, effective June 27, 1978. As amended 1978, April 28, P.L. 202, No. 53, Sec. 10(6), effective June 27, 1978. Amended 1993, July 2, P.L. 395, No. 56, Sec. 1, effective Aug. 16, 1993.*

42 Pa.C.S.A. Sec. 727 - SPECIAL TRIBUNAL

(a) General rule. A justice seeking review of a decision of the Court of Judicial Discipline pursuant to section 18 of Article V of the Constitution of Pennsylvania shall so notify the Court of Judicial Discipline.

(b) Establishment. Upon receipt of notice under subsection (a), the Court of Judicial Discipline shall notify the Secretary of the Commonwealth who shall set a date within 20 days for the selection of the special tribunal as set forth in section 18 of Article V of the Constitution of Pennsylvania. At the time and place fixed, the Secretary of the Commonwealth, in a manner consistent with any applicable general rules, shall publicly select by lot seven names from the members of the Superior Court and the Commonwealth Court in regular active duty, except judges then serving on the Court of Judicial Discipline or the Judicial Conduct Board.

(c) Vacancies. A vacancy on the special tribunal shall be filled for the unexpired term in the manner provided under subsection (b).

(d) Powers and duties. The special tribunal shall review the decision of the Court of Judicial Discipline as provided in section 18 of Article V of the Constitution of Pennsylvania. There shall be no right of appeal or other form of review from the special tribunal. *1993, July 2, P.L. 395, No. 56, Sec. 2, effective Aug. 16, 1993.*

42 Pa. C.S.A. 761 - ORIGINAL JURISDICTION

(a) General Rule. The Commonwealth Court shall have original jurisdiction of all civil actions or proceedings:

* * *

(2) By the Commonwealth government, including any officer thereof, acting in his official capacity, except eminent domain proceedings.

CHAPTER 21. JUDICIAL BOARDS AND COMMISSIONS

SUBCHAPTER A. JUDICIAL CONDUCT BOARD

42 Pa. C.S.A. Sec. 2101. Judicial Conduct Board

(a) General rule. In accordance with section 18 of Article V of the Constitution of Pennsylvania, the Judicial Conduct Board shall be an independent board within the Judicial Branch and shall consist of 12 persons selected as provided in this subchapter.

(b) Seal. The Judicial Conduct Board shall have a seal engraved with its name and such other inscription as may be specified by board rule. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

1993, July 2, P.L. 395, No. 56, Sec. 5, effective Aug. 16, 1993.

42 Pa. C.S.A. Sec. 2102. Composition of Board

(a) General rule. The Judicial Conduct Board shall consist of:

(1) A judge of the Superior Court or the Commonwealth Court in regular active service appointed by the Supreme Court.

(2) A district justice, who need not be a member of the bar of this Commonwealth, appointed by the Supreme Court.

(3) A nonjudge member of the bar of this Commonwealth appointed by the Supreme Court.

(4) Three nonlawyer electors appointed by the Supreme Court.

(5) A judge of the courts of common pleas in regular active service appointed by the Governor.

(6) Two nonjudge members of the bar of this Commonwealth appointed by the Governor.

(7) Three nonlawyer electors appointed by the Governor.

(b) Qualifications. All members of the board must be residents of this Commonwealth. No more than three of the six members appointed by the Supreme Court may be registered in the same political party. No more than three of the six members appointed by the Governor may be registered in the same political party. Membership of a judge or district justice shall terminate if the member ceases to hold the judicial position that qualified the member for the appointment. Membership shall terminate if a member attains a position that would have rendered the member ineligible for appointment at the time of the appointment. No member may serve more than four consecutive years but may be reappointed after a lapse of one year.

(c) Terms of office. The members of the board shall serve for terms of four years.

(d) Vacancies. A vacancy shall be filled by the respective appointing authority for the remainder of the term to which the member was appointed.

(e) Restrictions on activities of members. No member of the board, during the member's term, may hold office in a political party or political organization. Except for a judicial member, no member of the board, during the member's term, may hold a compensated public office or public appointment. The board shall prescribe general rules governing the conduct of members. A member may be removed by the board for a violation of the rules governing the conduct of members.

(f) Expenses. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

1993, July 2, P.L. 395, No. 56, Sec. 5, effective Aug. 16, 1993.

42 Pa. C.S.A. Sec. 2103. Organization

Annually, the Judicial Conduct Board shall elect a chairperson. The board shall act only with the concurrence of a majority of its members.

1993, July 2, P.L. 395, No. 56, Sec. 5, effective Aug. 16, 1993.

42 Pa. C.S.A. Sec. 2104. Staff and operations

The Judicial Conduct Board shall appoint a chief counsel and other staff, prepare and administer its own budget as provided by law, exercise supervisory and administrative authority over all board staff and board functions, establish and promulgate its own rules of procedure, prepare and disseminate an annual report and take other actions as are necessary to ensure its efficient operation. The budget request of the board shall be made by the board as a separate item in the request submitted by the Supreme Court on behalf of the Judicial Board to the General Assembly.

1993, July 2, P.L. 395, No. 56, Sec. 6, effective Aug. 16, 1993.

42 Pa. C.S.A. Sec. 2105. Powers and duties

The Judicial Conduct Board shall exercise the powers and perform the duties vested in and imposed upon the board by section 18 of Article V of the Constitution of Pennsylvania and Chapter 33¹ (relating to discipline, removal and retirement of judicial officers) and any other powers and duties vested in and imposed upon the board by law.

1993, July 2, P.L. 395, No. 56, Sec. 6, effective Aug. 16, 1993.

42 Pa. C.S.A. Sec. 2106. Official immunity

Members of the Judicial Conduct Board and its chief counsel and staff shall be absolutely immune from suit for all conduct in the course of their official duties. No civil action or disciplinary complaint predicated upon the filing of a complaint or other documents with the board or testimony before the board may be maintained against any complainant, witness or counsel.

1993, July 2, P.L. 395, No. 56, Sec. 6, imd. effective.

¹ 42 Pa. C.S.A. Sec. 3301 et seq.

CHAPTER 45. JURIES AND JURORS

SUBCHAPTER F. PENALTIES

42 Pa. C.S.A. Sec. 4581. Interfering with selection of jurors

(a) Commission members and employees. Any member of the jury selection commission or any employee, clerk, investigator or assistant in the employ of the commission, who shall violate any of the provisions of this chapter for the purpose of unlawfully procuring the selection or nonselection of any person for jury service commits a misdemeanor of the second degree and upon conviction thereof shall be forthwith removed from his office or employment and in addition thereto shall be ineligible to hold any public office or employment under the laws of this Commonwealth. In the case of the judicial member of the commission, such member shall be disqualified to hold his position on the commission and the matter shall be referred to the Judicial Conduct Board.

1980, June 26, P.L. 266, No. 78, Sec. 3, ind. effective.

Amended 1993, July 2, P.L. 395, No. 56, Sec. 9, effective Aug. 16, 1993.