

## **2. Initial Complaint Procedure.**

(a) Each written complaint received by any member of the commission shall be forwarded to the secretary of the commission for dissemination to the commission unless the complaint is against the secretary. In that event, the complaint shall be filed with the chair. The commission shall, however, have the authority to commence an investigation as to any matter under its jurisdiction upon a motion approved by a majority of the commission.

(b) Upon receipt of a written complaint the secretary shall acknowledge receipt of the complaint to the complainant. A complaint must allege facts which would demonstrate:

- (1) a violation of the Judicial Code,
- (2) willful misconduct in office,
- (3) habitual intemperance,
- (4) disability that seriously interferes with the performance of the judge's duties, or
- (5) violation of any constitutional provisions or statutes or conduct that is prejudicial to the

administration of justice and brings a judicial office into disrepute.

(c) The commission may, upon review of the complaint, dismiss the complaint if such complaint is frivolous or does not allege facts that would provide jurisdiction to the commission to consider the complaint.

(d) If such complaint is not dismissed, the secretary shall give notice to the judge complained against by forwarding the complaint to the judge and by requesting the judge to respond in writing to the secretary within ten days with an original and six copies of the response for distribution unless such time is extended by the commission.

(e) The secretary shall notify the complainant that the complaint has been forwarded to the judge complained against with a request for a response within ten days and that any response received will be forwarded to the complainant and the complainant will be given an opportunity to reply to the judge's response.

(f) The secretary shall distribute the response of the judge complained against and complainant's reply, if any, to all members of the commission.