

# Supreme Court of Florida

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No. 92,024

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## **JUDICIAL QUALIFICATIONS COMMISSION RULES OF PROCEDURE.**

[April 30, 1998]

The Florida Judicial Qualifications Commission submitted revisions to the Florida Judicial Qualifications Commission Rules to this Court for our review. The proposed revisions have been published in The Florida Bar News, and no comments have been received. The Court having determined that it will not repeal any rule submitted by the commission, this case is deemed final.

KOGAN, C.J., and OVERTON, SHAW, HARDING, WELLS, ANSTEAD and PARIENTE, JJ., concur.

## **FLORIDA JUDICIAL QUALIFICATIONS COMMISSION RULES**

### **RULE 1. SCOPE AND TITLE**

These rules apply to all proceedings before the Judicial Qualifications Commission involving the discipline, retirement or removal of justices of the Supreme Court, and judges of the District Courts of Appeal, Circuit Courts, and County Courts pursuant to Article V, Section 12 of the Constitution of the

State of Florida, as amended, and removal or disqualification of members of the Commission. These rules shall be known as Florida Judicial Qualifications Commission Rules and may be abbreviated as "FJQCR."

**RULE 2. DEFINITIONS ~~AND VOTE~~**

(a) In these rules, the singular shall include the plural and vice-versa, and any singular personal pronoun shall include both feminine and masculine genders, and unless the context or subject matter otherwise requires:

(1) "Commission" means the Judicial Qualifications Commission.

(2) "Investigative Panel" means a division of the Commission vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and, upon a vote of a simple majority of the panel, submit formal charges to the hearing panel. The chair of the Commission shall be its chair.

(3) "Hearing Panel" means a division of the Commission vested with the authority to receive and hear formal charges from the Investigative Panel. The Hearing Panel, by majority vote of its members may recommend to the Supreme Court that a judge be subject to appropriate discipline. Upon a vote of four members,

the panel may recommend to the Supreme Court the removal of a judge, as provided in Article 5, § 12, of the Constitution of the State of Florida, or the involuntary retirement of a judge for any permanent disability that seriously interferes with the performance of judicial duties.

(24) "Judge" means a justice of the Supreme Court and a judge of the District Court of Appeal, Circuit Court and County Court.

(35) "Chairman" includes the acting chairman.

(46) "General Counsel" means any member(s) of The Florida Bar designated by the Commission to serve as legal advisor to the Commission and Investigative Panel, and to perform such other duties as authorized by the Commission.

(7) "Counsel to the Hearing Panel" means any member(s) of The Florida Bar, designated by the Hearing Panel to serve as legal advisor to the Hearing Panel.

(58) "Special Counsel" means any member(s) of The Florida Bar designated by the ~~Commission~~Investigative Panel to gather and present evidence before the ~~Commission~~Investigative Panel or the Hearing Panel with respect to the charges against a judge and to represent the Commission in all proceedings, including

investigations.

(69) "Shall" is mandatory and "may" is permissive.

(710) "Mail" and "mailed" include ordinary, registered, certified, or other form of United States mail, and personal delivery, and delivery by a commercial delivery service.

~~(8) The masculine gender includes the feminine gender.~~

(11) "Executive Director" means a person designated by the Commission to supervise its staff and to render such services to the Commission and its several panels as required, provided, however, that the Executive Director and staff will provide only ministerial or similar services to facilitate the activities of the Hearing Panel.

(912) "Member" means a member of the Commission.

(13) "Supreme Court" means the Supreme Court of Florida.

~~(b) Vote required:~~

~~(1) Unless otherwise provided in these rules, Commission action shall be by a majority vote of the members present and voting.~~

~~(2) A finding of probable cause against a judge or recommendation of suspension of a judge shall be by an affirmative vote of not less than seven (7) members.~~

~~(3) A finding that a judge is guilty shall be by an affirmative vote of not less than nine (9) members.~~

~~(4) The recommendation of discipline following a finding of guilty shall be by an affirmative vote of not less than nine (9) members.~~

~~(5) The removal of a member of the Commission shall be by an affirmative vote of not less than seven (7) members.~~

### **RULE 3. MEMBERSHIP AND JURISDICTION**

(a) The membership of the Commission shall be as prescribed in Article V, Section 12 of the Constitution of the State of Florida and for such term as prescribed by general law. When a judgemember ceases to be a judge of the courtmember of the appointing body from which ~~he~~that member was appointed or whenever any member becomes otherwise ineligible to hold office, ~~his~~that person's membership on the Commission shall terminate. The ~~Chairman~~ shall promptly notify the appointing authority of the vacancy. In the event of a vacancy the ~~Commission~~Chair shall

~~appoint a temporary replacement from the same category until such time as the appointing authority shall duly certify to the Commission a replacement for the remainder of the terms provided in Rule 25.~~

(b) The Commission shall have such jurisdiction and powers as are necessary to conduct the proper and speedy disposition of any investigation or hearing, including the power to compel the attendance of witnesses, to take or to cause to be taken the deposition of witnesses, to order the production of books, records or other documentary evidence, and the power of contempt. In any matter within the jurisdiction of the Commission requiring the appearance of any person before the Commission or any member, any member shall have the power to issue subpoenas and to administer oaths and affirmations to such persons.

#### **RULE 4. OFFICERS OF THE COMMISSION**

The Commission shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years. The Vice-Chairman shall act as the chairman of the Commission in the absence of the Chairman. The Commission may appoint staff, including an executive director and a General Counsel, as necessary to carry out its duties. The Commission will consider and decide matters relating to budget and other business of the Commission not specifically assigned to its panels. The Hearing

Panel may appoint a Counsel to the Hearing Panel to serve as its legal advisor.

**RULE 5. QUORUM OF COMMISSION**

~~A quorum for the transaction of business by the Commission shall be seven members except as otherwise provided in these rules.~~

(a) A quorum for the transaction of the Commission's executive business shall be eight members except as otherwise provided in these rules.

(b) A quorum of the Investigative Panel shall be not less than five members of that Panel.

(c) A quorum of the Hearing Panel shall be not less than five of the members of that Panel.

**RULE 6. ~~COMPLAINT AND INVESTIGATION~~ INVESTIGATIVE PANEL RULES**

(a) The Investigative Panel of the Commission, upon receiving factual information, not obviously unfounded or frivolous, or an individual complaint made under oath, indicating that a judge is guilty of willful or persistent failure to perform his judicial duties, or conduct unbecoming a member of the

judiciary demonstrating a present unfitness to hold office, or that ~~he~~the judge has a disability seriously interfering with the performance of ~~his~~the judge's duties, which is, or is likely to become, permanent in nature, may make an investigation to determine whether formal charges should be instituted.

(b) The judge has no right to be present nor to be heard during an investigation, but before the ~~Commission~~Investigative Panel determines that there is probable cause to initiate formal charges, the judge shall be notified of the investigation, the general nature of the subject matter of the investigation, and shall be afforded reasonable opportunity to make a statement before the ~~Commission~~Investigative Panel, personally or by ~~his~~the judge's attorney(s), verbally or in writing, sworn or unsworn, explaining, refuting or admitting the alleged misconduct or disability. The judge shall not have the right to present other oral testimony or evidence, ~~and he shall not have~~nor the right of confrontation or cross-examination of any person interviewed, called or interrogated by the ~~Commission~~Investigative Panel; provided that the Investigative Panel in its sole discretion may receive and consider documentary evidence, including affidavits submitted by a judge. Such notification shall be given personally or by registered or certified mail addressed to the judge at ~~his~~the judge's chambers or, if returned undelivered, at ~~his~~the judge's last known residence.



(c) The ~~Commission~~Investigative Panel shall have the right to require a judge to meet with it on an informal basis in reference to matters ~~that relate to his judicial~~relating to the judge's duties.

(d) When a judge has received a notice of investigation, ~~or a notice to appear before the Commission~~Investigative Panel, or has requested such notification, the judge shall be promptly notified in writing if the investigation does not disclose probable cause to warrant further proceedings, ~~the judge shall promptly be so notified.~~

(e) The ~~Commission~~Investigative Panel shall have access to all information from all executive, legislative and judicial agencies, including grand juries. At any time, on request of the Speaker of the House of Representatives or the Governor, the Commission shall make available all information in possession of the Commission for use in consideration of impeachment or suspension, respectively.

#### **~~RULE 7. FORMAL CHARGES PROCEEDINGS~~**

(~~a~~f) ~~If the Commission~~When the Investigative Panel finds probable cause that formal charges should be filed against the judge, ~~it~~the Investigative Panel shall file a Notice of Formal Charges with the Clerk of the Supreme Court. The Investigative

Panel shall designate one or more Special Counsel who shall prepare appropriate papers and pleadings, gather and present evidence before the ~~Commission~~Hearing Panel with respect to the charges against the judge, and otherwise act as counsel in connection with the prosecution of the charges against the judge, including the representation of the Commission in connection with any Commission or judicial proceedings. ~~It shall direct Counsel to~~The Investigative Panel shall cause to be served on the judge a copy of the Notice of Formal Charges. Such proceedings shall be ~~entitled~~styled:

"BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION"

"Inquiry Concerning a Judge, No. \_\_\_\_\_"

(bg) The notice shall be issued in the name of the Commission and specify in ordinary and concise language the charges against the judge and allege the essential facts upon which such charges are based, and shall advise the judge of ~~his~~ the judge's right to file a written answer to the charges ~~against him~~ within 20 days after service of the notice upon ~~him~~ the judge.

(ch) Service of the notice shall be made personally or by registered or certified mail addressed to the judge at ~~his~~ the judge's chambers or, if returned undelivered, at ~~his~~ the judge's last known residence.

(di) After formal charges have been instituted the notice has been filed, any notice or other material shall be mailed to the judge at his the judge's chambers or residence address, or to his the judge's attorney(s), if any.

(j) The Investigative Panel may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted by it directly to the Supreme Court to accept, reject or modify in whole or in part.

#### **RULE 7. HEARING PANEL RULES**

(a) The Hearing Panel shall receive, hear and determine formal charges from the Investigative Panel. The Hearing Panel shall select one of its members as Chair.

(b) The Chair of the Hearing Panel shall dispose of all pre-trial motions. These motions may be heard by teleconference or be determined with or without hearings. The Chair's disposition of motions shall be subject to review by the full Hearing Panel.

#### **RULE 8. SUSPENSION OF JUDGE**

Subsequent to the filing of the notice of investigation, or upon Before or after the filing of the a Notice of Formal Charges, the Commission Investigative Panel may, in its discretion, issue

its order directed to the judge ordering ~~him~~the judge to show cause before ~~the Commission~~it why ~~the Commission~~that panel should not recommend to the Supreme Court that ~~he~~the judge be suspended from office, either with compensation or without compensation, while the inquiry is pending. The order to show cause shall be returnable before the ~~Commission~~Investigative Panel at a designated place and at a time certain, at which place and time the ~~Commission~~Investigative Panel shall consider the question of suspension and any action thereto. Thereafter, and upon the filing of a Notice of Formal Charges with the Supreme Court, the ~~Commission~~Investigative Panel, not less than ~~seven (7)~~two-thirds of its members concurring, may recommend to the Supreme Court that the judge be suspended from performing the duties of his office, either with or without compensation, pending final determination of the inquiry. If the ~~Commission~~Investigative Panel recommends suspension, such recommendation shall have incorporated therein a record of the proceedings of the ~~Commission~~Investigative Panel in relation to the recommendation~~order to show cause~~.

**RULE 9. ANSWER ~~AND~~ MOTIONS**

~~(a)~~ Within 20 days after service of the Notice of Formal Charges, the judge may serve and file an Answer, a copy of which shall be served on the Chair of the Hearing Panel and the original of which shall be filed with the Clerk of the Supreme

Court. If the judge desires that all hearings be ~~held~~heard in the county of ~~his~~the judge's residence, ~~he~~the judge shall so demand in writing at the time of ~~filing his~~the initial ~~a~~Answer is filed.

~~(b) There shall be a motion Committee with the power to dispose of all pre-trial motions. Such Committee shall be composed of the Chairman and two judges appointed by the Chairman. The Committee's disposition shall be subject to review at the Commission's next ensuing meeting.~~

#### **RULE 10. FILING**

(a) Upon the filing of the Notice of Formal Charges against a judge with the Clerk of the Supreme Court of Florida, the Notice of Formal Charges and all subsequent proceedings before the ~~Commission~~Hearing Panel shall be public.

(b) The original of all pleadings subsequent to the Notice of Formal Charges shall be filed with the Clerk of the Supreme Court of Florida, which office is designated by the Commission for receiving, docketing, filing and making such records available for public inspection. A duplicate original of all pleadings filed in the proceedings shall be served on each party, with a copy to the ~~Commission office~~Chair of the Hearing Panel.

**RULE 11. SETTING FOR HEARING**

After the filing of an Answer or the expiration of the time for its filing, the ~~Commission~~Hearing Panel shall set a time and a place for a hearing and shall give notice of such hearing at least 20 days prior to the date set. If the judge timely requests that the hearing~~(s)~~ be held in the county of ~~his~~ the judge's residence, it shall be so held unless the ~~Commission~~Hearing Panel, by an affirmative vote of ~~at least nine~~ ~~(9)~~two-thirds of its members, determines otherwise.

**RULE 12. PROCEDURE**

(a) In all ~~format~~ proceedings before the Hearing Panel, the Florida Rules of Civil Procedure shall be applicable except where inappropriate or as otherwise provided by these rules.

(b) Special Counsel shall, upon written demand of a party or counsel of record, promptly furnish the following:

The names and addresses of all witnesses whose testimony the Special Counsel expects to offer at the hearing, together with copies of all written statements and transcripts of testimony of such witnesses in the possession of the counsel or the ~~Commission~~Investigative Panel which are relevant to the subject matter of the hearing and which have not previously been

furnished, except those documents confidential under the Constitution of the State. When good cause is shown this rule may be waived.

**~~RULE 13.~~ HEARING**

(c) At the time and place set for hearing, the ~~Commission~~Hearing Panel may proceed with the hearing whether or not the judge has filed an Answer or appears at the hearing.

**~~RULE 14~~13. DISABILITY**

Upon receiving information that a judge is suffering a possible physical or mental disability which seriously interferes with the performance of ~~his judicial~~the judge's duties, the ~~Commission~~Investigative Panel, upon ~~the a majority vote of nine members,~~ may order the judge to submit to a physical and/or mental examination and/or may give notice of formal charges pursuant to Rule 6, supra. If the judge fails to submit to such examination within the time ordered, the ~~Commission~~Investigative Panel may recommend to the Supreme Court that the judge be suspended without compensation until such time as the judge complies with the ~~Commission's~~Investigative Panel's order.

**~~RULE 15~~14. EVIDENCE**

At a hearing before the ~~Commission~~Hearing Panel, legal evidence only shall be received and oral evidence shall be taken only on oath or affirmation.

**RULE 1615. PROCEDURAL RIGHTS OF JUDGE BEFORE THE HEARING PANEL**

(a) In all hearings before the Hearing Panel, a judge shall have the right and reasonable opportunity to defend against the charges by the introduction of evidence, to be represented by attorney(s), and to examine and cross-examine witnesses. ~~He~~The judge shall also have the right to the issuance of subpoenas for attendance of witnesses to testify or produce books, papers, and other evidentiary matter.

(b) When a transcript of the trial ~~testimony~~proceedings has been prepared at the expense of the Commission, a copy thereof shall be furnished without cost to the judge. The judge shall also have the right, without any order or approval, to have all or any portion of the ~~testimony in the~~ proceedings transcribed at ~~his~~the judge's expense.

(c) If the judge is adjudicated ~~incompetent~~to be incapacitated, the ~~Commission~~panel with jurisdiction shall appoint an attorney ad litem unless ~~the judge has a guardian who will represent him~~ there is a duly appointed legal guardian authorized to represent the judge, or to appoint counsel to represent the judge. The guardian or attorney ad litem may claim



and exercise any right and privilege and make any defense for the judge with the same force and effect as if claimed, exercised, or made by the judge, ~~if competent with capacity~~, and whenever these rules provide for the serving or giving notice or sending any matter to the judge, a copy of such notice or matter also shall be served, given or sent to the guardian or attorney ad litem.

**RULE ~~17~~16. AMENDMENTS TO NOTICE OR ANSWER**

The ~~Commission~~Hearing Panel may in the interest of justice allow or require amendments to the Notice of Formal Charges and may allow amendments to the Answer. In case such amendment is made, the judge shall be given reasonable time both to answer the amendment and to prepare and present ~~his~~a defense against the matters charged ~~thereby~~. If requested by the judge, the Hearing Panel may refer to the Investigative Panel any new matter presented or alleged in such amendment, as to which there has been no previous finding of probable cause by the Investigative Panel.

**RULE ~~18~~17. EXTENSION OF TIME**

The Chairman of the ~~Commission~~Hearing Panel may extend the time for filing an Answer or for the commencement of a hearing before the ~~Commission~~Hearing Panel.

**RULE 1918. HEARING ADDITIONAL EVIDENCE**

The ~~Commission~~Hearing Panel may order a hearing for the taking of additional evidence at any time while a matter is pending before it. The order shall set the time and place of the hearing and shall indicate matters on which the evidence is to be taken. A copy of such order shall be sent by mail at least ~~10~~ten days prior to the date of the hearing.

**RULE 2019. COMMISSION~~HEARING~~ PANEL VOTE**

After conclusion of the hearing and consideration of the issues presented for decision, the ~~Commission~~Hearing Panel shall ~~first~~ determine by vote the judge's guilt or innocence of ~~the~~ formal charges. If the ~~Commission~~Hearing Panel determines by ~~an affirmative~~a two-thirds vote of ~~not less than nine members~~ that the judge is guilty of one or more of the charges so specified, it shall then proceed to determine the discipline to be recommended. The vote of four members of the Hearing Panel shall be required to recommend removal of the judge from office or for medical retirement of a judge. Upon a simple majority vote of a quorum of the Hearing Panel, the Panel may recommend to the Supreme Court that the justice or judge be subject to other appropriate discipline. Failure to recommend the imposition of ~~any~~ penalty by the prescribed affirmative vote of ~~not less than nine members~~the Hearing Panel shall constitute a dismissal of the

proceedings.

**RULE 2120. CERTIFICATION OF ~~COMMISSION~~ HEARING PANEL  
RECOMMENDATIONS TO SUPREME COURT**

~~Upon dismissal by the Commission of~~ If the Hearing Panel  
dismisses the formal charges, the ~~Commission~~ Hearing Panel shall  
promptly file a copy of the dismissal order certified by the  
~~Chairman, General Counsel or executive director of the~~  
~~Commission~~ Chair of the Hearing Panel ~~in the office of~~ with the  
Clerk of the Supreme Court ~~of Florida~~. Upon making a  
determination recommending discipline, retirement, or removal of  
a judge, the ~~Commission~~ Hearing Panel shall ~~promptly~~ file a copy  
of the recommendation certified by the ~~Chairman, General Counsel~~  
~~or executive director of the Commission~~ Chair of the Hearing  
Panel, together with a transcript and the findings and  
conclusions, with the Clerk of the Supreme Court and shall  
~~promptly~~ mail to the judge and to ~~his~~ the judge's attorney(s)  
notice of such filing, together with a copy of such  
recommendations, findings, and conclusions.

**RULE 2221. REVIEW OF ~~COMMISSION~~ PROCEEDINGS**

To the extent necessary to implement this rule, the Florida  
~~Appellate~~ Rules of Appellate Procedure and Rule 2.140 of the  
Florida Rules of Judicial Administration shall be applicable to

reviews of ~~Commission~~Investigative and Hearing Panel proceedings by the Supreme Court. ~~(Fla.App. Rule 9.520)~~

**RULE 2322. SUBPOENAS**

Subpoenas for the attendance of witnesses and the production of documentary evidence in any proceedings shall be issued as follows:

(a) **Judicial Qualifications Commission.** Subpoenas for the attendance of witnesses and the production of documentary evidence for discovery, and for the appearance of any person before any panel of the Commission or any member, may be issued by any member, ~~or the General Counsel of the Commission, Counsel to the Hearing Panel, or Special Counsel,~~ and be served in the manner provided by law for the service of witness subpoenas in a civil action.

(b) **Contempt.** Any person who, without adequate excuse, fails to obey such a subpoena of the Commission or a panel of the Commission served upon ~~him~~that person may be cited for contempt of the Commission in the manner provided in these rules.

**RULE 2423. CONFIDENTIALITY OF PROCEEDINGS**

(a) Until formal charges against a judge are filed by the

Investigative Panel of the Commission with the Clerk of the Supreme Court ~~of Florida~~, all proceedings by or before the Commission shall be confidential. Upon a finding of probable cause and the filing by the Investigative Panel of the Commission with ~~said~~the Clerk of such formal charges against a judge, such charges and all further proceedings before the ~~Commission~~Hearing Panel shall be public.

(b) All notices, papers and pleadings mailed to a judge prior to formal charges being instituted shall be enclosed in a cover marked "confidential."~~-~~

(c) Every witness in every proceeding under these Rules shall be sworn to tell the truth and not to disclose the existence of the proceeding, the subject matter thereof, or the identity of the judge until the proceeding is no longer confidential under these Rules. Violation of this oath shall be an act of contempt of the Commission.

(d) Violation of ~~these~~this Rules by a member of the Commission shall subject ~~him~~that member, after written notice and hearing, to removal from office by an affirmative vote of ~~seven~~ ~~(7)~~eight members of the Commission and shall constitute contempt of the Commission which may be enforced by appropriate proceedings in the Supreme Court of Florida. (See Rule 26.)

**RULE 2524. INTERESTED PARTY**

A judge who is a member of the Commission or of the Supreme Court shall be disqualified from participation in such capacity in any proceedings involving ~~his~~the judge's own discipline, retirement or removal.

**RULE 2625. DISQUALIFICATION OF MEMBERS OF THE COMMISSION**

(a) Whenever a judge against whom formal proceedings have been instituted, ~~as provided in these Rules,~~ shall ~~make and file~~ with the ~~Commission~~Hearing Panel an affidavit that ~~he~~the judge fears ~~he~~the judge will not receive a fair hearing before the ~~Judicial Qualifications Commission~~Hearing Panel on the charges because of the prejudice of one or more members of the ~~Commission~~Hearing Panel against ~~him~~the judge, and the facts stated as the basis for making the ~~said~~ affidavit shall be supported in substance by affidavit of at least two reputable citizens of the State of Florida not ~~of~~ kin to the judge or ~~his~~the judge's attorney, or if any member of the ~~Commission~~Hearing Panel shall voluntarily recuse himself, such member or members of the ~~Commission~~Hearing Panel shall proceed no further therein and shall be disqualified from hearing ~~said~~the charges. ~~Such~~The affidavit shall state the facts and the reasons for the belief that any such prejudice exists, shall specify the member(s) of the ~~Commission~~Hearing Panel allegedly prejudiced,

and shall be filed not more than 15 days after service of the Notice of Formal Charges upon the judge charged.

~~(b) The Commission shall make ad hoc appointments of a person or persons to take the place of the member or members of the Commission so disqualified, but each member so disqualified may participate in the action of the Commission in making such ad hoc appointments. Each ad hoc appointee shall be from the same category as the disqualified member(s) set forth in Section 12(a) of Article V of the Constitution of the State of Florida. The Chair of the Commission shall request from each of the appointing authorities a list of four persons who may temporarily serve in the absence of incapacitated or disqualified members. The appointing authorities are the Conference of District Court of Appeal Judges, the Conference of Circuit Court Judges, the Conference of County Court Judges, the Board of Governors of The Florida Bar, and the Governor of Florida. Upon the disqualification of or in the absence of a member of the Hearing Panel, the replacement shall be chosen by the Chair from those listed by the appropriate appointing authority. Each such replacement shall be from the same category as the disqualified member(s) set forth in Section 12(a), Article V of the Constitution of the State of Florida.~~

(c) The judge may within 15 days after receiving notice of ~~any~~ such ad hoc appointment, file a like affidavit as to ~~said~~ that

appointee, which shall be supported in substance by an affidavit of two citizens as set forth above, in which event ~~said~~the ad hoc appointee shall not be disqualified on account of alleged prejudice against ~~said~~the judge unless ~~said~~the appointee admits that it is then a fact that ~~he~~the appointee is prejudiced against ~~said~~the judge, or unless a majority of the CommissionHearing Panel, which may include any ad hoc appointee, holds that ~~said~~the appointee is prejudiced against the judge, in which event the same ad hoc appointment procedure set forth above shall be followed until a qualified person has been appointed.

(bd) A judge moved against by the Commission may, by affidavit, suggest the disqualification of a member or members of the Commission unsupported by two citizens, but in such event the determination of the matter of disqualification shall be by majority vote of the Commissionpanel having jurisdiction unless the person sought to be disqualified voluntarily recuses himself.

**RULE 2726. CONTEMPT**

Should any witness fail, without justification, to respond to the lawful subpoena of the Commission or, having responded, fail or refuse to answer all inquiries or to turn over evidence that has been lawfully subpoenaed, or should any person be guilty of disorderly or contemptuous conduct before any proceeding of the Commission, a motion may be filed in the name of the



Commission before the Circuit Court of the County in which the contemptuous act was committed, alleging the specific failure on the part of the witness or the specific disorderly or contemptuous act of the person which forms the basis of an alleged contempt of the Commission. Such motion shall pray for the issuance of an order to show cause before the Circuit Court why the Circuit Court should not find ~~him~~the person in contempt of the Commission and ~~how~~why that person should not be punished by the Court therefor. The Circuit Court shall issue such orders and judgments therein as the Court deems appropriate.

**RULE 27. APPOINTMENTS**

The Chair of the Commission shall assign the members to the Investigative Panel and the Hearing Panel. The Chair shall appoint to the Investigative Panel four judges, two members of The Florida Bar and three non-lawyers. The Chair shall appoint to the Hearing Panel two judges, two members of the Bar of Florida and two non-lawyers. The membership on the panels may change at a time and in a manner determined by the Chair, provided that no member shall vote as a member of both the Investigative Panel and Hearing Panel in the same proceeding.

Original Proceeding - Judicial Qualifications  
Commission Rules of Procedure

Thomas C. MacDonald, Jr., General Counsel,  
Judicial Qualifications Commission,  
Tallahassee, Florida,

for Petitioner