

Rule 20. Use of Allegations from Dismissed Inquiries

(a) Use of Allegations in General. Allegations from an inquiry that was dismissed shall not be referred to by the board in any subsequent proceedings or used for any purpose in any judicial or lawyer disciplinary proceeding against the judge, except as provided in this rule.

Allegations from a dismissed inquiry may be reinvestigated with permission of the board if, within four years after dismissal, additional information becomes known to the board regarding the inquiry.

(b) Use of Allegations From Dismissal with Letter of Caution. Allegations from an inquiry dismissed with a letter of caution may be used in subsequent proceedings only as follows:

(i) The fact that the inquiry was dismissed with a letter of caution may not be used to establish the misconduct alleged in a subsequent proceeding. However, the underlying conduct described in the letter of caution may be charged in a subsequent Formal Complaint within four years after dismissal, and evidence in support thereof may be presented to the hearing panel at the public hearing under Rule 10.

(ii) If the underlying conduct described in the letter of caution is charged in a subsequent Formal Complaint, and the panel finds the judge committed misconduct with respect to the facts underlying the dismissal with letter of caution, the letter of caution may be considered by the panel in determining an appropriate sanction.

(iii) A letter of caution may be used to show that a judge was on notice that the conduct described in the letter of caution could violate the Code of Judicial Conduct.

(Added effective July 1, 2009; amended effective July 1, 2016.)