

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1818**

Amending Appellate Rule 406  
concerning review of Commission  
on Judicial Conduct  
recommendations for discipline.

**IT IS ORDERED:**

Appellate Rule 406 is amended to read as follows:

**Rule 406. Review of ~~Proceedings of~~ Commission on Judicial Conduct Recommendations for Discipline.**

(a) The Commission on Judicial Conduct shall file its recommendation for reprimand, censure, suspension, removal, or retirement of a judge with the clerk of the appellate courts and serve a copy of the recommendation on the judge. The commission shall also file and serve any minority report submitted under AS 22.30.068, the public portions of the commission record as designated by AS 22.30.060(b)(3), and a recording of the commission hearing in a format suitable for transcription. The court shall prepare the transcript on an expedited basis.

(ba) Within 30 days of the court's distribution of the transcript, the judge mayA petition to the supreme court to modify or reject the a recommendation of the Commission on Judicial Conduct for reprimand, censure, removal or retirement of a judge may be filed within 30 days after the filing with the clerk of the supreme court and service upon the judge of a certified copy of the recommendation. The petition shall specify the grounds relied on

and shall be accompanied by the petitioner's brief and proof of service on the ~~chairman of the commission~~. Within 30 days of service of the petition, after receipt of the petition, the commission may ~~serve and file~~ and serve a respondent's brief. Within 20 days of after service of the respondent's brief ~~of such brief~~, the ~~judge petitioner~~ may file and serve a reply brief, ~~which shall be served on the commission. Oral argument is governed by the procedures set out in Rule 505.~~

(~~b~~c) If no petition is filed, the matter may be considered on the merits based upon the record filed by the commission and the transcript.

~~(c) — Upon recommendation of the commission that a judge be suspended pursuant to AS 22.30.070(b) or on the supreme court's own motion for a suspension, a judge, upon request, shall be provided a hearing before the supreme court.~~

(d) The rules governing appeals from the superior court in civil cases shall apply to proceedings in the supreme court for review of a recommendation of the commission except where express provision is made to the contrary or where the application of a particular rule would be clearly impracticable, inappropriate, or inconsistent.

(e) The records of all proceedings in the supreme court shall be public from the time of filing the commission recommendation petition ~~in the supreme court~~.

(f) When the proceedings involve a supreme court justice, no justice may participate in the review, and the chief justice shall appoint a panel from among the court of appeals and superior court judges as justices pro tempore to review the proceedings. If the proceedings involve the chief justice, the justice having the longest tenure on the supreme court who has not participated in the proceedings shall appoint the panel.

DATED: January 23, 2014

EFFECTIVE DATE: April 15, 2014

/s/  
Chief Justice Fabe

/s/  
Justice Winfree

/s/  
Justice Stowers

/s/  
Justice Maassen

/s/  
Justice Bolger