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§ 6. Commission on judicial conduct and ethics.

(a) There is hereby created the Commission on Judicial Conduct and Ethics. The commission shall have twelve (12) members who reside in Wyoming consisting of:

(i) Three (3) active Wyoming judges, who are not members of the supreme court, elected by the full-time, active Wyoming judges;

(ii) Three (3) members of the Wyoming state bar, appointed by its governing body; and

(iii) Six (6) electors of the state, who are not active or retired judges or attorneys, appointed by the governor and confirmed by the senate.

(b) All terms shall be for three (3) years duration. Members shall be eligible for reappointment to a second term.

(c) The commission shall divide itself into investigatory and adjudicatory panels for each case considered. No commission member may serve on an adjudicatory panel in any case in which that member served in an investigatory capacity.

(d) The commission, or a panel thereof, shall consider complaints of judicial misconduct made against judicial officers and, to the extent permitted and as provided for by the code of judicial conduct, may:

(i) Discipline a judicial officer; or

(ii) Recommend discipline of a judicial officer to the supreme court or a special supreme court.

(e) The supreme court shall adopt a code of judicial conduct applicable to all judicial officers and adopt rules governing:

(i) The election of judges to the commission;

(ii) The staggering of terms, and the removal and filling of vacancies of commission members;

(iii) The appointment of a special supreme court composed of five (5) district judges who are not members of the commission, to act in the place of the supreme court in any case involving the discipline or disability of a justice of the supreme court; and

- (iv) Procedures for the operation of the commission including exercise of the commission's disciplinary powers.
- (f) The supreme court or special supreme court, on recommendation of the commission or on its own motion may:
- (i) Suspend a judicial officer without salary when the judicial officer is charged with or is convicted in the United States of a crime punishable as a felony or one involving moral turpitude under Wyoming or federal law, and remove that judicial officer in the event such conviction becomes final;
- (ii) For any judicial officer removed from office, order a forfeiture of any pension or retirement benefits accrued after the offending conduct, except for those that have been vested under the Wyoming retirement act or any local plan;
- (iii) Suspend the judicial officer from practicing law in this state; and
- (iv) Remove a judicial officer from office or impose other discipline permitted by the rules for judicial discipline for conduct that constitutes willful misconduct in office, or for a willful and persistent failure to perform the duties of the office, or for habitual intemperance, or for conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or for a violation of the code of judicial conduct.
- (g) The code of judicial conduct shall provide for the mandatory retirement of a judicial officer for any disability that seriously interferes with the performance of the duties of the office and is, or is likely to become, permanent. A judicial officer retired by the supreme court or a special supreme court for a disability shall be considered to have retired voluntarily without loss of retirement benefits.
- (h) A judicial officer removed from office is ineligible for any judicial office.
- (j) This section applies to all judicial officers during their service on the bench and to former judicial officers regarding allegations of judicial misconduct occurring during service on the bench if a complaint is made within one (1) year following service. The term "judicial officer" includes all members of the judicial branch of government performing judicial functions. (As amended by Laws 1917, ch. 115; Laws 1971, House Joint Resolution No. 1, p. 719; Laws 1996, House Joint Resolution No. 3, § 1.)

▼ Annotations

Notes

Amendment. —

Laws 1996, House Joint Resolution No. 3, § 1, authorized the submission of a proposed amendment of this section, which was adopted by vote of the people at the general election held November 5, 1996, and was proclaimed in effect November 18, 1996.

The 1996 amendment rewrote the section, which formerly provided for a judicial supervisory commission.

Editor's notes. —

There is no subsection (i) in this section as it appeared in the printed acts.