

# When confidentiality ceases in judicial discipline proceedings<sup>±</sup>

Revised 2016



**NCSC**  
NATIONAL CENTER FOR STATE COURTS  
*Center for Judicial Ethics*

Fact-finding hearing is public (34 states)			Fact-finding hearing is confidential (16 states + D.C.)	
Proceedings public when formal charges are filed (26)	Proceedings public when answer to formal charges is filed or due (6)	Hearing is public (2)	Proceedings confidential until recommendation for public discipline is filed (13)	Proceedings confidential until court orders public discipline (4)
Alabama	Arizona	Oregon <sup>5</sup>	Colorado	Delaware
Alaska	Kentucky	Rhode Island	Idaho	D.C.
Arkansas	Maryland		Iowa	Hawaii
California	Massachusetts <sup>3</sup>		Louisiana	North Carolina
Connecticut	Minnesota		Maine <sup>6</sup>	
Florida	South Carolina <sup>4</sup>		Mississippi <sup>7</sup>	
Georgia			Missouri**	
Illinois			New Mexico	
Indiana*			New York**	
Kansas			South Dakota**	
Michigan			Utah	
Montana			Virginia	
Nebraska			Wyoming	
Nevada				
New Hampshire				
New Jersey* <sup>1</sup>				
North Dakota* <sup>2</sup>				
Ohio				
Oklahoma				
Pennsylvania				
Tennessee				
Texas				
Vermont*				
Washington*				
West Virginia*				
Wisconsin				

\* Public after service of charges on the judge

\*\* Hearing may be public at judge's request

- New Jersey:** "If the Committee files a formal complaint against the judge, the complaint and all further proceedings thereon shall be public except that the Committee may apply to the Supreme Court for permission to retain confidentiality in a matter involving special circumstances, such as when the Committee determines that the privacy interests of a witness or other person connected with the matter outweigh the public interest in the matter."
- North Dakota:** "Formal hearings . . . are open unless for good cause shown upon the request of the complainant, upon the request of the respondent judge or upon motion of the Commission all, or part, of the hearing is ordered closed by the Commission."
- Massachusetts:** "Notwithstanding any other provision of this chapter to the contrary, proceedings pursuant to this chapter may remain confidential, even after a finding of sufficient cause, if the judge, the commission, and the complainant, if any, all concur."
- South Carolina:** "When formal charges are filed regarding allegations of misconduct, the formal charges and any answer shall become public 30 days after the filing of the answer or, if no answer is filed, 30 days after the expiration of the time to answer . . ."
- Oregon:** Press releases are issued 14 days before the public hearing on formal charges.
- Maine:** "Upon request of the person whose conduct is being investigated, or by majority vote of the Committee, after giving that person an opportunity to express his views on the question, any hearing held pursuant to paragraph 7 of this order shall be public."
- Mississippi:** "All proceedings before the Commission shall be confidential, except upon unanimous vote of the Commission, as prescribed in Section 177A of the Mississippi Constitution of 1890."

± Many states have exceptions to confidentiality (for example, to allow reporting to law enforcement or bar authorities) that are not reflected in this chart.