

SUPREME JUDICIAL COURT

SUFFOLK, SS.

ORDER REGARDING PROCEDURE FOR JUDGES SEEKING A DETERMINATION
CONCERNING ATTORNEYS' FEES FOR REPRESENTATION IN A MATTER BEFORE
THE COMMISSION ON JUDICIAL CONDUCT

Where a judge retains legal representation due to a matter before the Commission on Judicial Conduct, the Supreme Judicial Court may authorize the payment of reasonable attorneys' fees by the Commonwealth, or authorize the judge to accept free or discounted legal fees, in the following circumstances:

1. "With the approval of the Supreme Judicial Court, a judge shall be entitled to the payment of reasonable attorneys' fees by the Commonwealth in any case where the matter is dismissed by the commission at any stage after the filing of a sworn complaint or statement of charges, where the Supreme Judicial Court determines despite a commission recommendation for discipline that no sanction is justified, or where the Supreme Judicial Court determines that justice will be served by the payment of such fees." G. L. c. 211C, § 7(15). See S.J.C. Rule 3:09, Code of Judicial Conduct, Rule 3.13, Comment [11A].

2. "A judge may accept free or discounted legal representation due to a matter before the Commission on Judicial Conduct upon a determination by the Supreme Judicial Court that such representation would serve the public interest." See S.J.C. Rule 3:09, Code of Judicial Conduct, Rule 3.13, Comment [11B].

A judge seeking a determination under paragraph 1 or 2 shall file an application, supported by affidavit, with the clerk of the Supreme Judicial Court for the Commonwealth, setting forth with particularity the reasons why the Court should make the requested determination. The application may be accompanied by a motion to impound. The clerk shall transmit the application to the Justices, and shall notify the judge of their

determination. A judge awarded payment of reasonable attorneys' fees or permitted to accept free or discounted legal services shall publicly report in the manner required under Rule 3.15 of the Code of Judicial Conduct.

present,

<u>RALPH D. GANTS</u>)	Chief Justice
)	
<u>FRANCIS X. SPINA</u>)	
)	
)	
<u>ROBERT J. CORDY</u>)	Justices
)	
)	
<u>MARGOT BOTSFORD</u>)	
)	
)	
<u>FERNANDE R.V. DUFFLY</u>)	
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<u>BARBARA A. LENK</u>)	
)	
)	
<u>GERALDINE S. HINES</u>)	

Date: October 8, 2015