

§ 5-103. Informal inquiry.

(A) The commission, upon receiving a written complaint or request alleging facts indicating that a justice or judge is subject to discipline, removal, or retirement as provided in Neb. Rev. Stat. § 24-722, shall make an initial informal inquiry to determine whether a preliminary investigation should be conducted. The commission without receiving a written statement, and for good cause, may make such an informal inquiry or initiate an investigation on its own.

(B) Any complaint or request received by a commission member shall be forwarded to the chairperson or commission secretary for further action.

(C) The matter may be referred by the commission or the commission chairperson to a committee or one or more members of the commission, commission staff, or to a special investigator to conduct such informal inquiry as may be required, consider such evidence as deemed necessary, and report. The committee, staff person, or special investigator shall report whether it finds the complaint to be unfounded, frivolous, or whether it has substance requiring a preliminary investigation. The report shall be considered and passed upon by the commission. The chairperson shall have the discretion of presenting the report to the commission either

(1) at a regular meeting of the commission, or

(2) by furnishing a copy of the report to the commission members and polling them individually.

(D) Upon determination that there is insufficient cause to proceed, the complainant, if any, shall be notified. If the judge has been informed of the proceedings, he or she shall also be notified of its termination, and the file shall be closed.
