

## **§ 5-120. Judicial retirement for disability.**

(A) Voluntary Application: Any judge, or the guardian of any judge, who has become or is likely to become permanently, mentally or physically, disabled as provided in Neb. Rev. Stat. § 24-709, may file an application with the commission, furnishing such information as the commission may require, including, but not limited to, the furnishing of physician's statements, and such other evidence and proof of disability as the commission deems necessary.

The commission may require the judge to be examined by a physician selected by the commission at a time and place designated by the commission. If the commission determines that a judge is so permanently disabled, the commission shall notify the judge and the Public Employees Retirement Board and the judge shall be placed on retirement at a time designated by the commission and receive a retirement annuity as provided in Neb. Rev. Stat. §§ 24-709 and 24-710.

(B) On Motion of the Commission: The commission may, on its own motion, require a judge or the judge's guardian to furnish such information as the commission requires concerning the mental or physical condition of the judge, or require the judge to submit to a medical examination at a time and place as ordered by the commission under the provisions of Neb. Rev. Stat. § 24-722.

In cases where the commission institutes proceedings on its own motion, the procedures set forth in §§ 5-105 through 5-119 shall be followed, except where clearly impracticable, inappropriate, or inconsistent.

Upon an order for retirement by the commission, or by the Supreme Court when a commission order is reviewed by the court, the judge shall thereby be retired and the Public Employees Retirement Board promptly notified and the judge shall thereupon receive a retirement annuity the same as if the judge had been retired by application as above set forth.

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