

## **Rule 31. Procedure for carrying out responsibilities regarding physical or mental disability.**

1. The same procedures as are employed with respect to discipline for judicial misconduct shall be followed by the commission in regard to physical or mental disability. A formal statement of charges filed after a determination of probable cause must be under oath. All conduct or omissions relied upon must be alleged with particularity, and must show a substantial disability which is likely to be permanent.
2. If a complaint received by the commission alleges that a judge is incapacitated, and the commission determines after conducting an investigation that there is probable cause to file a formal complaint, the commission shall attempt to resolve the matter informally.
3. The commission may request the respondent to submit to medical, psychiatric, or psychological testing by a physician selected by the commission who is licensed to practice medicine in the State of Nevada.
4. If the commission is unable to resolve the matter informally, and the justice or judge has not retained counsel at his own expense, the commission shall appoint an attorney to represent the justice or judge at public expense.
5. Should a respondent deny all or part of the charges contained in the complaint alleging incapacity, it shall be deemed to be consent on the part of the respondent to submit to medical, psychiatric or psychological testing by a physician selected by the commission who is licensed to practice medicine in the State of Nevada.
6. The doctor-patient relationship shall not apply with regard to the findings of the medical practitioner designated by the commission whose report must be furnished to the commission and the respondent. The findings of a physician appointed by the commission are not privileged communications.
7. Unless the commission excludes them, after notice and hearing, upon a showing that they have interfered with the orderly conduct of the examination, the respondent is entitled to have counsel and a medical expert of the respondent's choice present during all phases of any examination ordered by the commission.
8. A respondent who retires during the pendency of an involuntary retirement proceedings shall be deemed to have retired voluntarily.