

## **JUDICIAL COUNCIL COMPLAINT PROCEDURES**

- I. Filing a Complaint and Determining Jurisdiction
  - A. Complainant completes Judicial Council complaint form and submits it to MAG's Office of General Counsel ("OGC").
  - B. The OGC forwards a copy of the complaint to all respondents and to members of the Judicial Council.
  - C. The OGC reviews the complaint to determine whether it falls within the jurisdiction of the Judicial Council as set forth in MAG's bylaws. This review should be conducted within thirty (30) days of receipt of the complaint.
    1. If the OGC determines that the complaint is within the Judicial Council's jurisdiction, the OGC shall so notify the complainant, all respondents, and members of the Judicial Council and the complaint will proceed through the process outlined below. This notification may be accomplished via e-mail.
    2. If the OGC determines that the complaint does not fall within the Judicial Council's jurisdiction, the OGC shall submit its assessment in writing to the Judicial Council, with a recommendation that the complaint be dismissed for lack of jurisdiction. The Judicial Council will consider this recommendation at its next meeting, which may be by conference call or other electronic means. The meeting shall be scheduled as soon as practicable after submission of the OGC's recommendation.
    3. The Judicial Council's decision to dismiss a complaint for lack of jurisdiction shall be final. The complainant and all respondents will be notified in writing of the Judicial Council's determination on jurisdiction.
  
- II. Judicial Council Review Based on Written Submission Without Hearing
  - A. The Judicial Council's initial review of the complaint shall be conducted based on written submissions without the necessity for a hearing unless a hearing is requested by any respondent.
  - B. The OGC shall coordinate with complainant, respondents, and the Chairman of the Judicial Council to set a schedule for receipt of all documents and position papers which the parties would like considered. The schedule will generally be established so that the complainant will initially file a position paper and any supporting documents followed by the respondent(s)' position paper(s) and any supporting documents. At the discretion of the Chairman of the Judicial Council, the schedule may

also allow for additional responses. It shall be the responsibility of the OGC to distribute all submissions to the parties and to members of the Judicial Council.

- C. The Judicial Council will endeavor to schedule a meeting to consider the written submissions within thirty (30) days of the date of the last written submission. This meeting may be conducted in person, via conference call or via another electronic means. None of the parties to the complaint will be invited to participate in the meeting. However, they will be notified as to its date and time.
- D. After the meeting, the Judicial Council will issue a written decision. The Judicial Council will endeavor to issue its decision within thirty (30) days of the meeting.
- E. Any party to the proceeding may seek a re-hearing of an adverse decision. Such request must be made within thirty (30) days of the date of the decision.

### III. Hearing Procedures

- A. A hearing will be convened if any respondent opts to dispense with the initial review based solely on written submissions and/or if any party appeals from an adverse preliminary decision of the Judicial Council.
- B. A hearing date will be set at least 30 days in advance. A majority of the Judicial Council members must be present, and only Judicial Council members who attend the full hearing may participate in the deliberations and decision. The hearing will be tape-recorded. Any party may request that the hearing instead be transcribed by a court reporter or that the tape-recording be transcribed at his or her own expense. Likewise, any party may be represented by counsel at his or her own expense.
- C. The hearing will be conducted by the Chairman or Acting Chairman of the Judicial Council, with assistance by an attorney from the OGC. Strict rules of evidence will not apply. Witnesses may be questioned regarding their testimony, but extensive cross-examination will not be permitted. The Chairman shall have the authority to impose reasonable reciprocal limitations on the time available for both direct testimony and cross-examination.
- D. Either at the conclusion of the hearing or at a meeting scheduled shortly thereafter, the Judicial Council shall deliberate in private with the attorney from the OGC participating in the hearing and shall reach its decision by a majority vote.
- E. The Judicial Council will issue its decision in writing and will endeavor to do so within thirty (30) days of the hearing.

### IV. Finality of Decisions

- A. In accordance with Chapter VIII, Section 5(a) of MAG's bylaws, the decisions of the Judicial Council shall be final with the exceptions set forth in B. and C. below.
- B. In accordance with Chapter VI, section 4(c) of the bylaws, a decision to remove a member of the Board of Directors must be referred to the Board of Directors for confirmation.
- C. In accordance with Chapter VII, section 4(g)(ii) of the bylaws, a decision to remove an officer from office must be referred to the Board of Directors for confirmation.