The Saeima has adopted and the President has proclaimed the following law:

**Judicial Disciplinary Liability Law**

This Law is applicable to judges of district (city) courts, regional courts and the Supreme Court, and to judges of Land Registry Offices of regional courts (hereinafter - judges), determines the basis of their disciplinary liability and regulates the procedures for initiating and examining disciplinary cases.

[5 June 1997]

**Section 1. Basis for Subjecting a Judge to Disciplinary Liability**

(1) A judge may be subjected to disciplinary liability for:
   1) intentional violation of law during the adjudication of a matter in court;
   2) failure to perform his or her duties of employment or allowing gross negligence in the adjudication of a matter;
   3) dishonourable actions or gross violation of the norms of the Judges Code of Ethics;
   4) administrative violations;
   5) refusal to discontinue his or her membership in parties or political organisations;
   6) failure to observe the restrictions and prohibitions provided for in the Law On Prevention of Conflict of Interest in Activities of Public Officials.

(2) The revocation or modification of an adjudication of a court shall not of itself be a reason for subjecting a judge, who has participated in its acceptance, to liability, if he or she have not allowed an intentional violation of law or negligence in the adjudication of the matter.

[11 December 2003]

**Section 2. Judicial Disciplinary Board**

(1) Matters concerning disciplinary and administrative violations by judges of district (city) courts, Land Registry Offices, regional courts and the Supreme Court shall be examined by the Judicial Disciplinary Board.

(2) The composition of the Judicial Disciplinary Board shall be a deputy of the Chief Justice of the Supreme Court, four judges of the Supreme Court, two Chief Judges of regional courts, two Chief Judges of district (city) courts and two Heads of Land Registry Offices. The members of the Judicial Disciplinary Board shall be elected by secret ballot for four years at a conference of judges.
(2) A member of the Judicial Disciplinary Board may not concurrently be a member of the Board of Justice, a member of the Judicial Qualification Board, a member of the Disciplinary Court or a member of the Commission of Judicial Ethics.

(3) A deputy of the Chief Justice of the Supreme Court is the Chair of the Judicial Disciplinary Board. The Judicial Disciplinary Board from among their own members shall elect the vice-chairperson of the Judicial Disciplinary Board.

(4) The Minister for Justice and the Prosecutor General, or persons authorised by them, as well as a person authorised by the board of the Latvian Society of Judges, may participate in the sittings of the Judicial Disciplinary Board in an advisory capacity.

(5) The Judicial Disciplinary Board shall act in accordance with by-laws approved by the Judicial Disciplinary Board.

(6) The Supreme Court shall financially ensure the work of the Judicial Disciplinary Board.

[15 October 1998; 11 December 2003; 10 June 2010]

Section 2.1 Disciplinary Court

(1) In order to evaluate the rule of law of the decision of the Judicial Disciplinary Board, the Disciplinary Court shall be summoned in the Senate of the Supreme Court in accordance with this Law.

(2) The composition of the Disciplinary Court shall be six judges of the Supreme Court Senate (two judges from Administrative Matters Department, Criminal Matters department and Administrative Matters Department) who are elected for five years by the Supreme Court plenary session.

(3) The Supreme Court plenary session shall approve the chairperson of the Disciplinary Court for five years amongst the members of the Disciplinary Court.

(4) The powers of the Disciplinary Court shall terminate, if term of office as a judge has terminated for him or her in the Civil Matters Department, Criminal Matters Department or Administrative Matters Department or disciplinary sanction has been imposed on him or her. In this case the Supreme Court plenary session shall elect new member of the Disciplinary Court for a term of office laid down in Paragraph two of this Section.

(5) A member of the Disciplinary Court, if a disciplinary matter has been brought or criminal proceedings have been commenced against him or her, until the adjudication of the disciplinary matter or completion of the criminal proceedings shall suspend his or her activities in the Disciplinary Court.

(6) A member of the Disciplinary Court may not concurrently be the member of the Board of Justice, a member of the Judicial Disciplinary Board, a member of the Judicial Qualification Board or a member of the Commission of Judicial Ethics.

(7) The work of the Disciplinary Court shall be ensured by the Administration of the Supreme Court.

[10 June 2010]

Section 3. Initiating Disciplinary Matters

(1) The following are entitled to initiate a disciplinary matter:

1) the Chief Justice of the Supreme Court - regarding judges of district (city) courts, regional courts and judges of the Supreme Court, and also judges of Land Registry Offices of regional courts in all the cases abovementioned in Section 1 of this Law;

2) the Minister for Justice - regarding judges of district (city) courts, regional courts and judges of the Supreme Court, and also judges of Land Registry Offices of regional courts in all the cases abovementioned in Section 1of this Law;

3) the Chief Judges of regional courts regarding judges of district (city) courts and judges of the Land Registry Offices of regional courts in the cases specified in Section 1,
Paragraph one, Clause 1 of this Law, but regarding judges of regional courts in all the cases specified in Section 1 of this Law;

4) the Chief Judges of district (city) courts regarding judges of district (city) courts in all the cases specified in Section 1 of this Law;

5) the Heads of Land Registry Offices of regional courts regarding judges of Land Registry Offices of regional courts in all the cases specified in Section 1 of this Law;

6) the Commission of Judicial Ethics - regarding judges of district (city) courts, regional courts and judges of the Supreme Court, and also judges of Land Registry Offices of regional courts if it has established gross infringement of the norms of the Judges Code of Ethics.

(2) A person, who is entitled to initiate a disciplinary matter, if there are grounds to initiate such matter, shall organise an exhaustive preliminary examination of the materials received and request a written explanation from the judge.

(3) The Chief Justice of the Supreme Court, the Chief Judge of a regional court, the Head of the Land Registry Office of a regional court, the Chief Judge of a district (city) court and the Commission of Judicial Ethics shall take a decision regarding the initiation of a disciplinary matter, but the Minister for Justice shall issue an order regarding such. The decision or the order shall indicate the circumstances of the disciplinary or administrative violation as determined in the preliminary examination, day of detection of the violation and the basis provided for by law for initiating the disciplinary matter. The decision or the order, together with the materials collected during the preliminary examination, shall be sent to be examined by the Judicial Disciplinary Board.

(4) Before the materials of the disciplinary matter are sent to the Judicial Disciplinary Board, the judge against whom the disciplinary matter has been initiated shall be notified of the completion of the preliminary examination and of the time when he or she may become acquainted with the materials of the examination.

(5) A judge against whom a disciplinary matter has been initiated has the right to become acquainted with the materials of the matter concerned, to provide explanations and to submit petitions.

(6) Until the matter is examined by the Judicial Disciplinary Board, the decision or the order regarding the initiation of a disciplinary matter may be withdrawn, with a reasoned decision or order, by the person who initiated it.


Section 4. Terms for the Imposition of Disciplinary Sanctions and the Examination of Disciplinary Matters

(1) A disciplinary sanction may be imposed upon a judge not later than three months after the day of detection of the disciplinary or administrative violation and, moreover, only after the judge has been given an opportunity to express his or her explanations, but not later than two years after the day the disciplinary or administrative violation was committed.

(2) A disciplinary matter shall be examined within a period of one month after the day of its receipt by the Judicial Disciplinary Board. If a judge against whom a disciplinary matter has been initiated is on leave or he or she has a temporary work disability, the time for the examination shall be extended for the relevant time period.

[15 October 1998; 11 December 2003]

Section 5. Preparation of a Disciplinary Matter for Examination by the Judicial Disciplinary Board

(1) Until the commencement of the examination of a disciplinary matter, the chairperson of the Judicial Disciplinary Board may entrust one of the Board members to additionally...
examine whether there are grounds for subjecting the judge to disciplinary liability. If necessary, additional documents and materials may be requested, similarly also court matters in the adjudication of which the judge has allowed a violation of law.

(2) The person who initiated the disciplinary matter, and the judge concerning whom it has been initiated shall be notified of the time and place, when and where the disciplinary matter shall be examined at a sitting of the Judicial Disciplinary Board, not later than seven days before the examination of the matter.

[15 October 1998]

Section 6. Procedures for Examining a Disciplinary Matter

(1) A Judicial Disciplinary Board, the composition of which shall be the chairperson and deputy chairperson of the Board and at least four Board members, shall examine a disciplinary matter.

(2) The judge who is subject to disciplinary liability shall participate in the sitting of the Judicial Disciplinary Board. If a judge does not appear at a sitting of the Board due to an unjustified reason or has asked to adjudicated the disciplinary matter without his or her presence, the Board is entitled to examine the disciplinary matter in the absence of the judge.

(3) The person who has initiated a matter or the representative of such person, as well as other judges, is entitled to participate in the examination of the disciplinary matter.

(4) The chairperson of the sitting shall declare the sitting open and announce the composition of the Judicial Disciplinary Board. Until the commencement of the examination of a matter, the judge who is subject to disciplinary liability may request the recusal of any of the Board members, which shall be examined by the Judicial Disciplinary Board.

(5) The examination of a disciplinary matter shall commence with a report from the chairperson or a member of the Judicial Disciplinary Board. Thereafter, the Board shall hear the explanations of the judge subjected to disciplinary liability, as well as, if necessary, of other persons invited to the sitting and shall review the materials of the matter and other documents.

(6) A judge who is subject to disciplinary liability is entitled, at any time during the sitting, before the Board retires to deliberate the taking of a decision, to provide explanations and register petitions.

(7) Minutes shall be taken of the sitting of a Judicial Disciplinary Board. The minutes shall be recorded by the secretary of the sitting.

[15 October 1998; 10 June 2010]

Section 7. Taking of a Decision

(1) In the examination of a disciplinary matter, the Judicial Disciplinary Board shall take a decision in the deliberation room.

(2) The Judicial Disciplinary Board may take the following decisions:

   1) to impose a disciplinary sanction;
   2) to send the materials of the disciplinary matter to the Office of the Prosecutor General for a decision regarding the initiation of a criminal matter;
   3) to recommend the removal of the judge from office;
   4) [10 June 2010];
   5) to dismiss the disciplinary matter.

(3) [15 October 1998]

(4) The Judicial Disciplinary Board may impose the following disciplinary sanctions upon a judge:

   1) an annotation;
   2) a reprimand;
3) a reduction of salary for a time period up to one year, withholding up to 20 per cent of the salary.

(5) In imposing a disciplinary sanction, the Judicial Disciplinary Board shall consider the nature of the disciplinary or administrative violation, its consequences, the degree of the guilt of the judge regarding the offence, as well as information which appertains to the character of the judge and previous actions while holding the office of a judge. Only one disciplinary sanction may be imposed upon a judge for each disciplinary or administrative violation.

(6) The imposition of a disciplinary sanction shall not exclude criminal and civil liability, except in the cases specified in Paragraph five, Section 13 of the Law on Judicial Power.

(7) The Judicial Disciplinary Board shall dismiss a disciplinary matter:
   1) if the disciplinary matter has been initiated without basis;
   2) if the time periods specified in Paragraph one, Section 4 of this Law, regarding the subjecting of a judge to disciplinary liability have expired.

(8) In exceptional cases, the Judicial Disciplinary Board may restrict themselves to the examination of a disciplinary matter at a sitting, without the imposition of a disciplinary sanction.

[15 October 1998; 10 June 2010]

Section 8. Procedures for Taking a Decision, and its Contents

(1) A decision in a disciplinary matter shall be taken by a majority vote of those members of the Judicial Disciplinary Board who participated in the examination of the matter. In the event of a tied vote, the chairperson of the sitting shall cast the deciding vote. The decision shall be formalised in writing. It shall be signed by the chairperson of the sitting and the Board members.

(2) A decision taken in a disciplinary matter shall specify: the composition of the Judicial Disciplinary Board; the place and time of the examination of the matter; the name, surname and judicial office of the judge subject to disciplinary liability; the circumstances of the committing of the disciplinary or administrative violation and the grounds for subjecting the judge to disciplinary liability; the explanations of the judge and information which attests to the character of the judge and previous actions while holding the office of a judge; substantiation for the decision taken based upon the evidence; and conclusions of the Judicial Disciplinary Board regarding the imposed disciplinary sanction, the termination of the disciplinary matter, a recommendation for the removal of the judge from office, and the sending of the materials of the disciplinary matter to the Office of the Prosecutor General.

(3) A decision taken in a disciplinary matter shall be proclaimed at the sitting of the Judicial Disciplinary Board.

(4) A decision of the Judicial Disciplinary Board shall come into effect and be enforced after the time period for appeal thereof in the Disciplinary Court has elapsed and a complaint has not been submitted. If the Disciplinary Court has refused to take a decision or left a decision of the Judicial Disciplinary Board non-amended and refused a complaint, the decision of the Judicial Disciplinary Board shall come into effect at the time of notification of the decision of the Disciplinary Board.

(5) The decisions of the Judicial Disciplinary Board abovementioned in Section 7, Paragraph two, Clauses 2 and 5 of this Section may not be appealed and are final except the case provided for in Section 11.5, Paragraph one of this Law.

[15 October 1998; 10 June 2010]

Section 9. Issuing of a Copy of the Decision

(1) Not later than three days after the proclamation of the decision, a copy of the decision shall be issued or sent to the judge concerning whom it was been taken, to the Judicial
Qualification Board, and to the official who initiated the disciplinary matter. A copy of the decision shall be attached to the personal file of the judge. 

(2) If the Judicial Disciplinary Board has taken a decision to send the materials of the disciplinary matter to the Office of the Prosecutor General for a decision regarding the initiation of a criminal matter, a copy of such a decision together with the materials of the disciplinary matter shall be sent to the Office of the Prosecutor General not later than three days after the taking of the decision. If the Judicial Disciplinary Board has taken a decision to recommend the removal of a judge from office, a copy of such a decision together with the materials of the disciplinary matter shall be sent to the Saeima not later than three days after the taking of the decision.

(3) [10 June 2010]
(4) [10 June 2010]
[15 October 1998; 10 June 2010]

Section 10. Appeal of a Decision
[15 October 1998]

Section 11. Procedures for the Adjudication of Complaints
[15 October 1998]

Section 11.1 Appeal of the Decision of the Judicial Disciplinary Board

(1) A judge may appeal the decision of the Judicial Disciplinary Board abovementioned in Section 7, Paragraph two, Clauses 1 and 3 of this Law, to whom it applies, within seven days from the day of receipt of the decision to the Disciplinary Court.

(2) A complaint shall indicate:

1) given name, surname of the submitter of a complaint, and also his or her authorised representative, if a complaint is submitted by a representative, and place of residence or other address, where the person may be reached;
2) a decision regarding which a complaint is submitted;
3) to what extent a decision is appealed;
4) substantiation and arguments of a complaint;
5) a request expressed to the Disciplinary Court;
6) time of drawing up of a complaint.

(3) The application shall be signed by the submitter of a complaint or his or her authorised representative. If the complaint is submitted by a representative, he or she shall append the relevant power of attorney or other document to the complaint, from which the right of the representative to submit a complaint arises.
[10 June 2010]

Section 11.2 Drawing up of the Decision Taken in the Disciplinary Matter for Adjudication in the Disciplinary Court

(1) The chairperson of the Disciplinary Court or any of members of the Disciplinary Court on behalf of him or her shall verify the conformity of the submitted complaint with the requirements of Section 11.1 of this Law.

(2) If the complaint is submitted by infringing the term laid down in Section 11.1, Paragraph one of this Law and the submitter of a complaint has not asked to renew the delayed term, the complaint shall be left without examination and a time period shall be determined during which a motivated request may be submitted regarding renewal of the delayed time period. The term laid down for the submission of the request may not be longer than seven days. The submitter of a complaint shall be immediately informed regarding a decision.
(3) If a complaint fails to comply with the requirements of Section 11.1, Paragraph two or three of this Law, the time period for rectification of deficiencies established shall be determined and it may not be longer than seven days. The submitter of a complaint shall be immediately informed regarding a decision.

(4) A complaint shall not be accepted and returned to the submitter, if:

1) the submitter of a complaint has not rectified the deficiencies established during the laid down term or has not submitted a request regarding renewal of the delayed time period;

2) the conditions indicated by the submitter of a complaint which have been the basis for delay of the term have not been recognised as justified;

3) a complaint has been submitted regarding a decision of the Judicial Disciplinary Board which may not be appealed.

(5) A chairperson of the Disciplinary Court shall determine the time and place for adjudication of a complaint.

(6) Until the day of commencement of adjudication of a complain the chairperson of the Disciplinary Court may assign to one of the members of the Disciplinary Court to draw up a report regarding the submitted complaint, may ask the Commission of Judicial Ethics to provide an opinion and explanation regarding interpretation and infringements of the ethical norms, may request additional explanations and documents, and also invite other persons to the sitting for provision of explanations.

Section 11.3 Procedures for Adjudication of the Complaint Submitted to the Disciplinary Court

(1) The judge, who has submitted the complaint, and a person, who has initiated the disciplinary matter, shall be notified regarding the time and place of the sitting no later than 14 days before adjudication of the complaint in the sitting of the Disciplinary Court.

(2) The Disciplinary Court shall be adjudicated in the composition of no less than three members. The sitting shall be chaired by the chairperson of the Disciplinary Court.

(3) A complaint shall be adjudicated in the closed sitting, unless it is otherwise decided by the Disciplinary Court.

(4) The judge who has submitted the complaint shall take part in the sitting.

(5) If the judge who has submitted the complaint is on leave, he or she has a temporary work disability or other justified reason, the adjudication of the complaint may be postponed for the relevant time period which is not included in the term for imposition of the disciplinary sanction laid down in Section 4 of this Law.

(6) If the judge fails to arrive to the sitting without any justified reason or has asked to adjudicate the complaint without his or her presence, the complaint may be examined at his or her absence.

(7) At the adjudication of the complaint the judge against which the disciplinary matter has been brought has the right to invite a representative.

(8) A person who has initiated the disciplinary matter or his or her representative may participate in the adjudication of the complaint and express his or her opinion.

(9) Until the beginning of the examination of the complaint a judge against whom the disciplinary matter has been brought may submit a rejection for the member of the Disciplinary Court. If the rejection is submitted for one of the members of the Disciplinary Court, it shall be decided by the rest of the composition of the Disciplinary Court. In the event of a tied vote, the member of the Disciplinary Court shall be rejected. If rejection is submitted for several members of the Disciplinary Court, it shall be decided by majority vote the Disciplinary Court itself in full composition.

(1) Adjudication of the complaint shall start with the report of the chairperson of the Disciplinary Court or member of the Disciplinary Court regarding the complaint. After that
explanations by the judge, and also, where appropriate, other persons invited to the sitting, become familiar with the materials of the disciplinary matter and other documents.

(11) A judge who is submitted a complaint, at any time during the sitting, before the Disciplinary Board retires to deliberate the taking of a decision, may provide explanations and register petitions.

(12) The sitting of the examination of the complaint shall be taken in minutes or recorded in the audio recording. The minutes shall be recorded by the secretary of the sitting. The relevant information carrier shall be appended to the matter. Where appropriate, a written minutes may be drawn up from the audio recording.

(13) The Disciplinary Court shall decide regarding other issues non-regulated in this Law that are related with the procedures for the adjudication of a complaint.

(14) After having heard explanations and becoming familiar with the explanations or opinions, if any, received additionally in the matter, the Disciplinary court shall leave to discuss for taking a decision by notifying the persons present in the sitting hall thereof.

[10 June 2010]

Section 11.4 Decision of the Disciplinary Court

(1) A decision of the disciplinary court regarding a complaint shall be taken with a majority vote. In the event of a tied vote, the chairperson of the Disciplinary Court shall cast the deciding vote.

(2) When examining a complaint regarding decision of the Judicial Disciplinary Board, the Disciplinary Court may:

1) leave a decision non-amended and reject the complaint;
2) revoke decision and terminated the disciplinary matter;
3) amend decision not deteriorating the position of the judge hold disciplinary liable.

(3) A decision of the Disciplinary Court shall consist of an introductory part, a descriptive part, a reasoned part and an operative part.

(4) The introductory part of the decision of the Disciplinary Court shall indicate the following:

1) the composition of the Disciplinary Court which adjudicated a complaint;
2) the time and place of adjudication of a complaint;
3) the given name and surname of the judge hold disciplinary liable.

(5) The descriptive part of the decision of the Disciplinary Court shall indicate the following:

1) a short statement of the circumstances of the disciplinary infringement;
2) the essence of the decision of the Judicial Disciplinary Board;
3) reasons of a complaint;
4) the essence of the explanations provided in the sitting.

(6) Arguments due to which a complaint is rejected or arguments due to which a decision of the Judicial Disciplinary Board is revoked shall be indicated the reasoned part of the decision of the Disciplinary Court. If the Disciplinary Court, when examining a complaint, recognises that the justification included in the decision of the Judicial Disciplinary Board is correct and completely sufficient, it may indicated in the reasoned part of the decision thereof that it joins to the motivation of the decision of the Judicial Disciplinary Board. In such case a wider statement of arguments is not necessary.

(7) A decision of the Disciplinary Court shall be indicated in an operative part of the decision of the Disciplinary Court in accordance with Paragraph two of this Section.

(8) An operative part of the decision taken in the disciplinary matter shall be notified in the sitting of the Disciplinary Court concurrently determining the time when a complete decision will be drawn up.

(9) The decision shall be drawn up in writing. A true copy thereof shall be issued or sent to the judge regarding which it is taken, an initiator of the disciplinary matter who transfers it for
adding to the personal file of the judge, and the Judicial Disciplinary Board within 10 days from the day of drawing up of the decision.

(10) A decision of the Disciplinary Court shall come into effect at the time of notification thereof and may not be appealed.

[10 June 2010]

Section 11.5 Procedures for Repeated Adjudicating a Disciplinary Matter

(1) If the Saeima votes against removal of the judge from his or her position and the Prosecutor General recognises that there are not reasons for the commencement of the criminal proceedings, the disciplinary matter shall be returned to the Judicial Disciplinary Board for repeated adjudicating thereof.

(2) The time from sending of the decision to the Saeima or the Prosecutor General shall not be included in the term for imposition of the disciplinary sanction provided for in Section 4 of this Law.

[10 June 2010]

Section 11.6 Availability of a Decision and Materials of the Disciplinary Matter

(1) Until the time when a decision of the Judicial Disciplinary Board comes into effect, the decision regarding initiation of the disciplinary matter and materials of the disciplinary matter shall be available only for those persons for whom such right has been laid down in this Law.

(2) Materials of the disciplinary matter adjudicated in an open sitting shall be restricted access information.

(3) Materials of the disciplinary matter adjudicated in a closed sitting shall become restricted access information five years after coming into effect of the decision taken in the disciplinary matter by the Judicial Disciplinary Board.

(4) Upon issuing of the information abovementioned in Paragraph two and three of this Section, the part of the information which discloses the identity of the natural person shall be covered.

(5) Materials of the disciplinary matter adjudicated in an open and closed sitting and a decision taken shall be available for the State administrative and court authorities, if they are necessary for these institution for the fulfilment of the functions thereof. The recipient of the information shall ensure the protection provided for in law for these materials of disciplinary proceedings and decision taken.

(6) A decision taken in the disciplinary proceedings shall be sent to all chief judges, and also published on the website, by covering that part of the information which discloses identity of a natural person.

[10 June 2010]

Section 12. Extinguishing and Setting Aside of a Disciplinary Sanction

(1) A disciplinary sanction shall be considered to be extinguished if within one year, from the date when it was imposed, no new disciplinary sanction has been imposed upon the judge.

(2) Upon a proposal by the person who has initiated the disciplinary proceedings, or a proposal by the Judicial Disciplinary Board, or a request from a Chief Judge of the district (city) court, regional court or the Chief Justice of the Supreme Court, the Judicial Disciplinary Board may set aside the sanction before the time period, but not earlier than six months from the day when the sanction was imposed.

(3) The question of setting aside a disciplinary sanction shall be examined not later than within two weeks from the day when the proposal or petition regarding setting aside of the disciplinary sanction was received. The judge upon whom the disciplinary sanction has been
imposed and the person who initiated the disciplinary matter shall be notified of the time and place for the deciding of such question.  
[15 October 1998]

Transitional Provisions

1. [15 October 1998]

2. With the coming into force of this Law, the Law On Confirming the By-laws On the Disciplinary Liability of Judges of the Latvian S.S.R., Recall and Removal before Term of Judges and Peoples’ Lay Judges (Latvijas PSR Augstākās Padomes un Valdības Ziņotājs, 1990, No. 12) shall be repealed.

3. After amendments to Section 2 of this Law regarding the composition of the Judicial Disciplinary Board have come into force, the Disciplinary Board may continue its work until commencement of the current conference of judges.  
[10 June 2010]

The Law was adopted by the Saeima on 27 October 1994.

President

G. ULMANIS

Rīga, 10 November 1994