

Message from Mark Harrison, Chair, Joint Commission to Evaluate the ABA Model Code of Judicial Conduct

October 31, 2006

An independent, impartial judiciary is indispensable to the system of justice that has prevailed in the United States for more than 200 years. The birth and evolution of our judicial system and the preservation of its key role in our democracy have been due in large measure to the character and dedication of the men and women who have presided in our courts.

But equally essential to assuring the efficacy of our system of justice has been the confidence of the public in the independence, integrity and impartiality of our judiciary as an institution. As our Commission worked over the past three years to examine every word and concept in the ABA Model Code of Judicial Conduct, the members of the Commission achieved an ever-increasing appreciation of the crucial importance of these concepts, and measured each decision we made about refinements, changes, additions or deletions in the Code against these “three I’s,” *independence, integrity and impartiality*. We have endeavored to adhere to and apply those principles throughout the Code, firm in the belief that they are indispensable to preservation of the public trust in our judiciary and confidence in our legal system.

No code can anticipate every question that may arise in its interpretation and application, or guard against every pitfall inevitably faced by conscientious judges in their daily work. Rather, we have worked to provide sound, clear and reasonable guidance so that judges faced with uncertainty can find both direction and aspirational comment in the code that will help them function at an optimum level and maintain the rectitude demanded by the serious responsibilities of their office. We have also sought to provide a clear and understandable Code that enables the public to readily understand what to expect of their judiciary and when it is appropriate and reasonable to expect discipline to be applied in cases of judicial misconduct.

As we approach the ABA Midyear Meeting February 2007, we look forward to a careful, thoughtful review and discussion of the proposed Code because the issues addressed by the Code are commanding and challenging. We are confident that the forthcoming debate will result in a sound Model Code for judges and the public that will serve us for many years to come.