

SUMMARY

Judge William J. Caprathe

March 14, 2006

Rule 2.08

Demeanor, Decorum and Communication with Jurors:

Judge Caprathe has attached Principle 18 of the Principles for Juries and Jury Trials adopted by the American Bar Association in August, 2005. He believes 18(A) should be quoted in an added subparagraph 2.08(D)

Rule 2.09

Ensuring the Right to be Heard:

Judge Caprathe finds this rule overall excellent as is the commentary, with the exception that subparagraphs B(2) and B(3) contain an unnecessary repetition. The second sentence of (2) and the first sentence of (3) say the same thing and overemphasizes that settlement discussions can affect the judges objectivity and also the appearance of the judges objectivity.

Rule 2.10

Ex-parte Communications:

Judge Caprathe disagrees with the rule to the extent that it would preclude the judge from obtaining information from electronic sources such as the internet or other computer research tools for information in connection with trial adjudications. He believes that this should be clarified in the rule or, at least stated in the commentary.

Disqualification:

The judge believes that the rule as written is appropriate because it says a judge "may" disclose on the record the reasons, under certain circumstances. Requiring disclosure of the basis for recusal would be, in his opinion, an invasion of privacy and unnecessary.

Rule 4.13

Reporting of Compensation, Reimbursement and Waiver of Charges:

Judge Caprathe believes yearly reporting is sufficient. Many judges are overloaded with cases and administrative duties. To have to take the time and energy four times a year is unnecessary. He finds this disclosure to be unnecessary since it has no relation to any possible bias issues. In addition, it would be detrimental for judges who seek continuing education and improvement of the judicial system. He would also exclude reimbursements, etc, that come from the court's budgetary funding source or lawyers' and judges' associations.