

National Association of Women Judges
Judge Vanessa Ruiz
March 15, 2006

Canon 4
Rule 4.04(B)(3)

NAWJ recommends that the Commission:

1. **Retain** the new language in Rule 4.04(B)(3) allowing a judge to “appear at, speak at, receive an award or other recognition at, be featured on the program of, and permit his or her title to be used in connection with an event of a civic or charitable organization concerned with the law, the legal system, or the administration of justice, **even though the event may serve a fundraising purpose.**”
- 2.
3. **Delete** from Draft Rule 4.04(B)(3) the final clause, which currently reads, “unless the organization’s membership includes predominantly lawyers who chiefly advocate a particular position or represent a particular client or type of client” and add “subject to other provisions of this Code.”
4. **Delete** the last sentence of Comment [8] to Rule 4.04(B)(3), which currently reads, “For example, it would be inappropriate for a judge to speak at a fundraising event for a specialty bar association whose members are closely identified with certain clients or particular positions on legal issues.”
5. Upon deletion of the above-described language, additional language could be added at the end of Comment [8] along the lines of the language in Rule 4.11, Comment [2], stating in relevant part, “A judge’s decision to attend such a function should be based on an assessment of all of the circumstances, and the judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment. The judge should, for example, consider whether the sponsor of the activity is currently appearing or likely to appear before the judge in a matter, thus giving the impression that the sponsor is in a special position to influence the judge or possibly requiring disqualification if the judge were to attend the function. See Rule 2.12. Other considerations include whether the purpose of the event is educational and whether the judge pays to attend, both of which are less likely to create an appearance problem.”

RULE 4.01(D)

NAWJ recommends that Rule 4.01(D) be amended to read:

RULE 4.01: EXTRA-JUDICIAL ACTIVITIES IN GENERAL:

“A judge may engage in extra-judicial activities to the extent that the activities do not:

(D) involve the use of court premises, staff, stationery, equipment, or other resources, unless such use is permitted by law **or is in furtherance of the judge’s participation in an organization composed entirely or predominantly of judges that exists to further the educational and professional interests of judges and not prohibited by law or court rule.”**