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Statement from the
Standing Committee on Ethics and Professional Responsibility
and
Standing Committee on Professional Discipline
Regarding Resolution 108
July 30, 2013

The ABA Standing Committee on Ethics and Professional Responsibility and the ABA Standing Committee on Professional Discipline have agreed to withdraw Resolution 108, proposing amendments to the ABA Model Code of Judicial Conduct, contingent upon the withdrawal of Resolution 10-B by the Indiana State Bar Association and the ABA Judicial Division.

The Standing Committees take this action upon the recommendation of the Professionalism and Competence of the Bar Committee of the Conference of Chief Justices. That Committee also has recommended there be further discussions on the issues raised and addressed in these Resolutions.

In August 2011 the House of Delegates adopted Resolution 107, which directed the Standing Committees to determine whether amendments were needed to the Model Rules of Professional Conduct or the Model Code of Judicial Conduct to implement the policy announced in Resolution 107 regarding judicial disqualification arising from judicial election campaign contributions and expenditures. Since then, the Standing Committees have worked diligently in an open, transparent and participatory process that fully engaged the judiciary -- including the Judicial Division -- the profession and the public. The Standing Committees determined that amendments to the Model Code of Judicial Conduct were needed, and Resolution 108 was the culmination of this work and compromise.

With the presentation of Resolution 108, the Standing Committees fulfilled their responsibility to the House of Delegates under Resolution 107. Nevertheless, there continues to be misunderstanding regarding the meaning and impact of the proposed amendments to the Model Code contained in Resolution 108. Therefore, going forward, the Standing Committee on Ethics and Professional Responsibility, which has the primary jurisdiction within the ABA for the Model Code of Judicial Conduct, welcomes the opportunity presented by the withdrawal of Resolutions 10-B and 108 to explore with representatives of the Conference of Chief Justices, the Judicial Division and other interested parties whether a different proposal can be prepared regarding judicial disqualification arising from judicial election campaign financing activities.