Judicial Decision Making and Contemporaneous Research: Ethics or Access?

The program will be an app-based interactive panel of experts and audience discussing the range of the ethical and legal responsibilities of judges/juries in conducting independent Internet educational research on subjects contained in pending cases, by examining the ethical constraints placed on judges under the ABA Judicial Model Code of Judicial Conduct Sec. 2.9(C) and relevant state and federal ethics provisions. The use of Internet research by judges and citizens has been normalized within our culture and is routinely used to gain knowledge. Although highly trained in the law, judges may lack education on topics they preside over. We will explore the disclosure of Internet research by judges and juries for incorporation into the litigation process, along with alternatives, best practices and lessons learned. Finally, we will examine the need to balance existing caselaw and codes of professional conduct with the current reality of the modern digital access to information.

Moderator:

Hon. Colleen O’Toole, (Ret.) Ohio Eleventh District Court of Appeals
Eastlake, OH

Panelists:

Hon. Stephanie Domitrovich, Sixth Judicial District of Pennsylvania
Erie, PA

Marla Greenstein, Alaska Commission on Judicial Conduct
Anchorage, AK

Chad Burton, CuroLegal
Beavercreek, OH

Hon. Eric J. Magnuson, Robins Kaplan LLP
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