

1 **PREAMBLE**

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3 The judiciary is the cornerstone of the American legal system and a highly visible symbol
4 of our commitment to justice and to government under the rule of law. The rule of law
5 depends on an independent judiciary composed of men and women of integrity who
6 perform their duties competently and impartially.

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8 In order to sustain the rule of law judges must possess the qualities of integrity,
9 impartiality, independence and competence. They must also promote public confidence in
10 the judiciary. That confidence is eroded if judges engage in improper or unethical
11 conduct. Accordingly, judges, individually and collectively, must respect and honor the
12 judicial office as a public trust, and maintain the dignity of the office at all times. They
13 must respect as well all other persons who serve and participate in the judicial system,
14 including other judges, court employees, public officials, jurors, litigants, and lawyers.

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16 Because of their roles as public symbols of justice and the rule of law, judges must not
17 only avoid impropriety in their professional and personal lives, but avoid the appearance
18 of impropriety as well. They should expect to be the subject of public scrutiny, and
19 should freely and willingly accept restrictions on their conduct that might be viewed as
20 burdensome by ordinary citizens.

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22 The black letter Rules of the ABA Model Code of Judicial Conduct provide a body of
23 clear, succinct, and enforceable rules to regulate the conduct of individual judges. They
24 establish minimum standards of conduct with which all judges and - where applicable -
25 judicial candidates must comply. The Model Code also articulates aspirational goals and
26 ideals, encouraging judges and candidates to establish and maintain standards of judicial
27 and personal conduct that exceed the minimum standards set forth in the Rules. Taken
28 together, the Code accomplishes the two objectives of any code of conduct. In providing
29 judges with guidance in the face of potential ethical problems, it serves a prophylactic
30 purpose. In establishing rules that can be effectively enforced by those who regulate the
31 judiciary, it serves a purpose of protecting the public.

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33 The Model Code consists of five Canons, which collectively state the five overarching
34 core principles of judicial conduct that are indispensable to sustaining the rule of law and
35 to enhancing public confidence in the judiciary and the justice system. As further
36 described in the Scope section, the Rules organized under each Canon implement these
37 core principles.

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39 Canon 1 provides that “A Judge Shall Avoid Impropriety and the Appearance of
40 Impropriety in All the Judge’s Activities, So as to Uphold the Integrity, Impartiality, and
41 Independence of the Judiciary.” Judges apply the law, and, like lawyers, are often

1 referred to as “servants of the law.” In the public mind, however, judges embody the law
2 itself, and through their daily work demonstrate the majesty of the law as it is employed
3 to resolve conflicts and maintain a just society. The public must be able to trust every
4 judge and the judicial system itself. It is imperative that judges obey the law and other
5 rules applicable to them, while exhibiting sound character and moral rectitude in their
6 professional work and in their personal lives.

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8 Canon 2 provides that “A Judge Shall Perform the Duties of Judicial Office Impartially
9 and Diligently.” This concept is fundamental to the discharge of a judge’s duty to act at
10 all times as a just adjudicator. Judges are public servants obligated to decide matters both
11 mundane and controversial without fear or favor. In instances where a judge’s
12 impartiality might reasonably be questioned, however, the Canon works to protect the
13 public interest by requiring disqualification of the judge.

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15 Judges are obligated to work diligently on matters presented to them, maintain decorum
16 and respect in the courtroom and in ancillary proceedings, provide every litigant with the
17 right to be heard according to established procedures, and avoid *ex parte*
18 communications. When these goals are achieved, the public’s regard for the judicial
19 system is deservedly high.

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21 Canon 3 instructs that “A Judge Shall Conduct the Judge’s Personal Affairs to Preserve
22 the Integrity, Impartiality, and Independence of the Judiciary.” Although this Canon
23 regulates the conduct of judges when they are not engaged in the core adjudicative
24 activities of their office, it nonetheless operates to ensure that judges will be held in
25 proper regard when they are on the bench or otherwise acting in their official roles. If
26 judges allow personal entanglements to affect their adjudicative activity, or if they lend
27 the prestige of judicial office to others for private gain, they diminish respect for the
28 judiciary. Similarly, a judge’s membership in discriminatory clubs or organizations
29 undermines public confidence in the fairness of the judicial process.

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31 Canon 4 states that “A Judge Shall Conduct the Judge’s Extra-Judicial Activities to
32 Minimize the Risk of Conflict with Judicial Obligations.” In its concern for activity by
33 judges that lies outside of their core adjudicative function, this Canon is similar in some
34 respects to Canon 3. Canon 4, however, focuses on outside involvements that could taint
35 a judge’s integrity, impartiality, or independence. Although judicial participation in
36 charitable and educational activities is desirable and meritorious, as is pro bono public
37 service on a governmental board or agency, too close an identification with non-judicial
38 interests may give rise to concerns that a judge is lending the prestige of judicial office to
39 others, or that the judge may bring a bias related to such service into judicial proceedings.
40 These and similar extra-judicial activities are therefore closely regulated.

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42 The Rules under Canon 4 impose significant restrictions on the acceptance of gifts by

1 judges and require judges to file meaningful and timely reports regarding those gifts.

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3 Canon 5 admonishes that “A Judge or Candidate for Judicial Office Shall Refrain From
4 Political Activity that is Inconsistent with the Integrity, Impartiality, and Independence of
5 the Judiciary.” This necessarily complex Canon addresses the tension created by two
6 long-standing features of our system. The first of these is the traditional constitutional
7 principle of separation of powers, which operates to allow judges to maintain a healthy
8 distance from the politics of legislative and executive branch activities. In those arenas
9 decision-making may be based, for example, on appeals to expediency, which would be
10 inappropriate in the judicial arena.

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12 The second feature is the practical reality that judges in a majority of American
13 jurisdictions are subject to public election. Although judicial elections differ greatly from
14 elections for other types of office, it is impossible for candidates in a judicial election to
15 avoid all political activity. Canon 5 attempts to remove as much political influence as
16 possible from the judicial election process and from the judiciary itself by imposing
17 certain narrowly tailored restrictions on the political activity - including campaign
18 activity - of sitting judges and all candidates for judicial office. Its Rules operate to
19 guarantee to judges and candidates the constitutional rights of free speech and expressive
20 association, but in so doing, draw a bright line between statements of personal views on
21 disputed legal and political issues on the one hand, and specific pledges or promises to
22 reach a particular result in pending or impending cases on the other.

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24 When read together, these Rules and aspirational goals codify the traditional and
25 respected ethics precepts that guide and govern our nation’s judges, giving effect to the
26 rule of law. The precepts of the Code will be put to the test in ordinary and extraordinary
27 circumstances; in all instances, they constitute the framework by which not only judges,
28 but other participants in the judicial system and the public at large can evaluate judicial
29 conduct.