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SCOPE

.....

[2] The Canons state overarching principles of judicial ethics that all judges must observe. ~~For a judge to be disciplined for violating a Canon, violation of a Rule must be established. Where a Rule contains the term “shall” or “shall not,” it establishes a mandatory standard to which the judge or candidate for judicial office will be held.~~ Although a judge may be disciplined only for violating a Rule, the Canons provide important guidance in interpreting the Rules. Where a Rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

.....

[6] Although the black letter of the Rules is binding and enforceable, it is not contemplated that every transgression will result in ~~disciplinary action~~ imposition of discipline. ~~Whether disciplinary action is appropriate~~ discipline should be imposed should be determined through a reasonable and reasoned application of the Rule(s), and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

.....

(Additions underlined; deletions ~~struck through~~)

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RULE 1.2

Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary.

COMMENT

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[5] A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

(Additions underlined; deletions ~~struck through~~)

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RULE 2.1

Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

COMMENT

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[2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.

(Additions underlined; deletions ~~struck through~~)

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RULE 2.2

Impartiality and Fairness

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

COMMENT

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[3] When applying and interpreting the law, a judge sometimes may ~~on occasion~~ make a good-faith errors of fact or law. ~~An e~~Errors of this kind does not violate this Rule.

...

(Additions underlined; deletions ~~struck through~~)

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RULE 3.3

Testifying as a Character Witness

A judge shall not testify as a character witness, in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

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(Additions underlined; deletions ~~struck through~~)

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RULE 3.4

Appointments to Governmental Positions

~~Except as required by law,*~~ a judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.

....

(Additions underlined; deletions ~~struck through~~)

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RULE 3.5

Use of Nonpublic Information

A judge shall not intentionally disclose or use nonpublic information* acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

COMMENT

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[2] This rule is not intended, however, to affect a judge's ability to act on information as necessary to protect the health or safety of the judge or a member of a judge's family, court personnel, or other judicial officers if consistent with other provisions of this Code.

(Additions underlined; deletions ~~struck through~~)

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Rule 3.8

Appointments to Fiduciary Positions

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(D) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than [one year] after becoming a judge.

COMMENT

~~[1]—If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than one year after becoming a judge. See Application section, Part VI.~~

[2] A judge should recognize that other restrictions imposed by this Code may conflict with a judge's obligations as a fiduciary; in such circumstances, a judge should resign as fiduciary. For example, serving as a fiduciary might require frequent disqualification of a judge under Rule 2.11 because a judge is deemed to have an economic interest in shares of stock held by a trust if the amount of stock held is more than de minimis.

(Additions underlined; deletions ~~struck through~~)

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RULE 3.15

Reporting Requirements

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(D) Reports made in compliance with this Rule shall be filed as public documents in the office of the clerk of the court on which the judge serves or other office designated by law,* and, when technically feasible, posted by the court or office personnel on the court's website ~~of that court or office.~~

(Additions underlined; deletions ~~struck through~~)

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Rule 4.3

Activities of Candidates for Appointive Judicial Office

A candidate for appointment to judicial office may:

....

(B) seek endorsements for the appointment from any person or organization other than a partisan political organization.

....

(Additions underlined; deletions ~~struck through~~)