

1 American Bar Association
2 Model Code of Judicial Conduct

3 **MAY 2004 DRAFT**

4
5 **CANON 1**

6
7 **CONDUCT IN GENERAL: A JUDGE SHALL AVOID**
8 **IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN**
9 **ALL THE JUDGE'S ACTIVITIES, SO AS TO UPHOLD THE**
10 **INTEGRITY, IMPARTIALITY, AND INDEPENDENCE OF THE**
11 **JUDICIARY**

12 **1.01 Observing Standards of Judicial Conduct.** A judge shall
13 observe the high standards of conduct embodied in these
14 Rules so that the integrity, impartiality, and independence of
15 the judiciary, and the public's confidence therein, are
16 promoted and preserved.¹

17 **Commentary:**

18 [1] An independent judiciary is indispensable to justice in our
19 society. High standards of judicial conduct promote the integrity and
20 impartiality of the judiciary and foster public confidence in the
21 administration of justice.

22 [2] Avoiding impropriety and its appearance is an overarching
23 principle of judicial conduct embodied in this Canon itself.
24 Ordinarily, when a judge is disciplined for engaging in conduct that
25 creates an appearance of impropriety, it will be in conjunction with
26 charges that the judge violated some other specific rule under this
27 or another Canon.

28 [3] In addition to complying with the high standards of judicial
29 conduct, a judge is encouraged to participate in activities that
30 promote ethical conduct generally among judges and lawyers,
31 including efforts to study, develop, maintain, implement and
32 enforce codes of conduct, encourage pro bono representation, and
33 support professionalism within the judiciary and the legal
34 profession.

35 [4] Deference to the judgments and rulings of courts depends upon
36 public confidence in the integrity, independence, and impartiality*of
37 judges. The integrity, impartiality, and independence of judges

¹ Canon 1A

1 depends in turn upon their acting without fear or favor. A judiciary
2 of integrity is one in which judges are known for their [probity,
3 fairness, honesty, uprightness, and soundness of character]. An
4 independent judiciary is one free of inappropriate outside
5 influences. Public confidence in the integrity, impartiality, and
6 independence of the judiciary is maintained by judges acting in a
7 manner free from favoritism, self-interest or bias. Conversely,
8 violation of this Code diminishes public confidence in the judiciary
9 and thereby does injury to the system of government under law.²

10 [5] The duty to act in a manner that promotes public confidence in
11 the integrity of the judiciary does not imply that judges have an
12 obligation to refrain from appropriate criticism. To the contrary,
13 judges are in a unique position to identify and address problems
14 affecting the courts and should be encouraged to bring those
15 matters to light as a means to promote the effective administration
16 of justice.

17 [6] Public confidence in the judiciary is eroded by irresponsible or
18 improper conduct by judges. The prohibition against acting with
19 impropriety or the appearance of impropriety applies to both the
20 professional and personal conduct of a judge. A judge must expect
21 to be the subject of constant public scrutiny. A judge must therefore
22 accept restrictions on the judge's conduct that might be viewed as
23 burdensome by the ordinary citizen and should do so freely and
24 willingly.³

25 [7] Impropriety occurs when the conduct compromises the ability of
26 the judge to carry out judicial responsibilities with integrity,
27 impartiality, and competence. An appearance of impropriety occurs
28 when the conduct could create, in reasonable minds, a perception
29 that the judge's ability to carry out judicial responsibilities with
30 integrity, impartiality, and competence is impaired. See also
31 Commentary under Section 3.04.⁴

32 **1.02 Complying with the Law. A judge shall respect and**
33 **comply with the law.***

34 **Commentary:**

35 [1] A judge's obligation to respect and comply with the law includes
36 compliance with the law, court rules, and the provisions of this
37 Code.⁵

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² Canon 1A Commentary

³ Canon 2A Commentary

⁴ Canon 2A Commentary

⁵ Canon 2A Commentary