

**AMERICAN BAR ASSOCIATION
JOINT COMMISSION TO EVALUATE THE
MODEL CODE OF JUDICIAL CONDUCT
Summary of Teleconference Minutes
September 20, 2004**

Members Participating

Mark I. Harrison, Chair
Jim Alfini
Loretta C. Argrett
Jan Witold Baran
Donald Hilliker
Hon. Cara Lee T. Neville
Hon. Harriet L. Turney

Staff Participating

Jeanne Gray, CPR Director
George A. Kuhlman, Ethics Counsel
Eileen Gallagher, Justice Center Counsel
Marcia Kladder, Judicial Division
Eileen Libby, Associate Ethics Counsel
Nancy Slonim, ABA Media Relations
Maggie Viertel, Legal Assistant

Reporter Participating

Charles G. Geyh

Advisors Participating

Hon. Carol Amon
Hon. Peter W. Bowie
Robert P. Cummins
Marvin L. Karp
Peter Moser
Hon. Ellen Rosenblum
Seth Rosner
Hon. Randy Shepard
Robert Tembeckjian

The entire teleconference was spent discussing the draft gift provisions. There was a suggestion that “awards” and “honor” should be added to Rule 4.13 (a)(1). The more-modern “audio visual resources” will be used instead of “tapes.” Another suggestion was made to add “magazines and journals.” In the context of “widely-attended events,” members discussed judges’ attendance at a law firm-sponsored open house. It was suggested that the comment to Rule 4.13 should refer back to the Terminology section.

It also was suggested that Rule 4.13(a)(1) be divided into three categories. A dollar amount will be bracketed within Rule 4.13(a)(2). Members considered cross-referencing Rule 4.01, using a word other than “gift,” or returning to the original language. They decided that “close personal” should be deleted from Rule 4.13(a)(3) but not from Rule 4.13(a)(4).

The Commission voted to retain the \$50 dollar amount in Rule 4.13(a)(7). They discussed the size of gifts and acceptance of gifts from third parties not likely to come before the court. Regarding Rule 4.13 Comment [1], it was suggested that “integrity” be added to line six and that “integrity, impartiality and independence” should follow the same sequence throughout the Code.

The Reporter will draft a comment to Rule 4.14(f). It was requested that the reporting requirement be strengthened.

Regarding Rule 4.14(b), it was suggested that “except for gifts from relatives” should be added and that Rules 4.14(b) and 4.16 contain a policy statement. Regarding the proposed judicial education and compensation for extra-judicial activities provisions, it was urged that the Commission not draft language susceptible to an interpretation that judges take advantage of their positions by reaping inappropriate prerequisites and windfalls. Members made small language changes to Rule 4.14 comment.

With regard to Rule 4.15, which relates to compensation for extrajudicial activities, the Commission discussed how complex reporting requirement should be.

A revised version of Canon 4 will be circulated to the Commission by October 1, 2004. Members were given a September 27, 2004, deadline to circulate comments to each other on the Commission’s listserv.