

**Rule 1.01 Comment 2**  
**Observing Standards of Judicial Conduct**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board on Judicial Standards (“Minnesota Board”) notes that Rule 1.01 Comment 2 strongly suggests that an appearance of impropriety cannot be considered unless a specific rule is also at issue. The Board suggests that the Commission consider that this could be interpreted as unnecessarily restrictive and permitting certain types of conduct that might be inappropriate.

**Rule 1.01 Comment 3**  
**Observing Standards of Judicial Conduct**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board agrees with the Commission’s encouragement of efforts to encourage pro bono representation and support professionalism and suggests the Comment 3 might be improved by inclusion of limiting language, such as prohibiting direct contact with lawyers or groups who are appearing or have cases are currently pending before a court.

**Rule 1.01 Comment 5**  
**Observing Standards of Judicial Conduct**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board suggests that the Commission consider limiting the reference to “appropriate criticism” to matters concerning the administration of justice. Without limitation, the use of the phrase might be interpreted to permit statements that are inappropriate.

**Rule 2.02 Comment 1**  
**Giving Precedence to the Duties of Judicial Office**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board suggests that the Commission consider adding language to Rule 2.02 Comment 1 to make “crystal clear” that judges may not disqualify themselves without a valid reason.

**Rule 2.03 Comment 3**  
**Competence in the Law**  
**Minnesota Board on Judicial Standards**

**David S. Paull**  
**May 20 2004**

The Minnesota Board urges the Commission to consider stating more precisely that a judge who presides in a case while impaired by any substance is acting improperly.

**Rule 2.05 Comment 1**  
**Observing Standards of Judicial Conduct**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board observes that the word “harassment” is not definite and has varying meanings because of its frequent use, thus, concerned persons, judges, lawyers and court participants may be confused by the term. The Minnesota Board suggests that the Commission consider using more specific language in Rule 2.05 Comment 1, such as a reference to coercive action and the conduct listed in Rule 2.05 Comment 3.

**Canons 1 and 2**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board finds merit in the new format and applauds the Commission’s reorganization, while at the same time maintaining all issues.

**Rule 2.07 Comment 3**  
**Demeanor and Decorum**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board observes that debriefing of jurors, as drafted by the Commission in Rule 2.07 Comment 3, appears to strike a proper balance.

**Rule 2.20**  
**Immunity for Discharge of Duties**  
**Minnesota Board on Judicial Standards**  
**David S. Paull**  
**May 20 2004**

The Minnesota Board believes that rules of immunity have no place in a code of ethics. These are legal matters and could have no legal affect unless they appeared in the laws of the states or federal government.