

## **SUMMARY**

Gerald Stern

Former Administrator, New York State Commission on Judicial Conduct

December 5, 2003

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Mr. Stern maintains that the appearance of impropriety standard is an important cornerstone of judicial regulation. He notes that some sort of appearance standard has always been with us, and would be imported by the courts if it were not in the Code, so that such a standard is at this time, inescapable. He points out that the courts are the appropriate venue for challenges on vagueness, and that the standard has survived on constitutional grounds for many years. Mr. Stern notes that this is not penal law and that no individual's liberty would be threatened by this generally worded provision.

Mr. Stern also urged that the White case be allowed to play out in the courts and not responded to in a hasty fashion as if a certain loose standard for judicial campaign statements were already the law of the land. He suggests that a more narrowly tailored statement prohibiting remarks that while not pledges or promises are plainly biased against potential parties.