



September 23, 2005

Ms. Debra D. Taylor
American Bar Association
Center for Professional Responsibility
321 N. Clark Street
Chicago, IL 60610

RE: Joint Committee to Evaluate the Model Code of Judicial Conduct

Dear Ms. Taylor:

The Ohio State Bar Association Judicial Administration and Legal Reform Committee reviewed the proposed revisions to the Model Code of Judicial Conduct at its September 9, 2005 meeting and belatedly offers several observations with regard to the proposed revisions.

Canon 1, Rule 1.03

The OSBA Judicial Administration and Legal Reform Committee (“the Committee”) strongly endorses the inclusion of the “appearance of impropriety” language. This has been an historical standard utilized in judicial discipline cases in Ohio and elsewhere and speaks to the very essence of judicial conduct and the high standard to which judges should subscribe. It rises to the level of settled principles upon which judicial conduct commission and disciplinary authorities have evaluated an adjudicated allegations of judicial misconduct. It should be retained.

Canon 2, Rule 2.08

The Committee recommends that the comment to this rules explicitly state that the debriefing of jurors not be a forum for criticism of witnesses, litigants, lawyers, or other individuals in the case heard by the jurors.

Canon 2, Rule 2.12

The Committee recommends that the rule contain an affirmative statement of the judge’s duty to disclose conflicts set forth in the rule so as to avoid any appearance that a conflict may not be on the record.

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Canon 2, Rule 2.20

The Committee is of the opinion that the subject of "Immunity for Discharge of Duties" not be included in the model rules. This is more appropriate a subject of statutory law consistent with immunity provision for other public officials.

The Committee apologizes for the lateness of these comments, but is hopeful they will be of assistance as it continues its work on this project.

Sincerely,



William K. Weisenberg
Assistant Executive Director
Public Affairs and Government Relations
on behalf of the OSBA Judicial Administration
and Legal Reform Committee

WKW/jhm

cc: E. Jane Taylor, Esq., President, OSBA
John S. Stith, Esq. President-elect, OSBA
Thomas J. Escovar, Esq., Chair, JA & LR Committee
Marvin L. Karp, Esq., Joint Commission on Model Rule for Judicial Conduct
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