

March 7, 2006

Mark Harrison, Esquire  
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Dear Mark:

The Final Draft of the Report of the Commission to Evaluate the Model Code of Judicial Conduct reflects an extraordinary effort and I suspect you are all looking forward to completing your work. Having served as a member of the Illinois Judicial Inquiry and having labored in the field of judicial ethics during my years at the American Judicature Society, I cannot help but have substantial interest in the work of the Commission.

After reviewing the Final Draft Report and listening to the testimony at the last public hearing, I am convinced that the Commentary to Canon 5 would be significantly improved by the inclusion of some hortatory language that encourages judges to aspire to the highest level of ethical conduct beyond what is required by the Code and the White decision and its progeny. Such language would fulfill the promise of the preamble to the Code that judges should "strive to maintain and enhance confidence in our legal system."

With the case law relating to regulation of judicial elections continuing to evolve, it is especially important that the American Bar Association communicate their support for judicial candidates who wish to voluntarily refrain from political activities. The Commission could provide a great service to the men and women of the bench who aspire to ethical behavior beyond the standards that are enforceable by the Code.

Enclosed is some suggested language for the Commentary to Canon 5 intended to enhance the effectiveness of Canon 5 and its value to judges and judicial candidates. I hope that the Commission members will find it useful as they complete their task.

Sincerely yours,

Frances K. Zemans

