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Rule 4.15

Disclosure

HALT, Inc. and Community Rights Counsel

James C. Turner, et al.

October 15, 2003

HALT and the Community Rights Counsel observe that the current Model Code does not demand full disclosure and recommend revision of Canon 4 as follows to specifically require judges to prepare full annual financial disclosure forms.

“A judge shall annually file a full and complete statement of the source, type and amount or value of income, gifts and reimbursements received by the judge during the preceding calendar year. This statement shall also include the source and type of income, gifts and reimbursements received by the judge’s spouse and minor children residing in the judge’s household.”

Rule 4.15, Comment

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HALT and the Community Rights Counsel [CRC] observe that financial disclosure is meaningless if the public has no practical means of accessing information in financial disclosure reports and give examples of obstacles faced by the public in federal and state courts. HALT and CRC urge the Commission to add the following language to the comment on the disclosure rule to clarify the process of financial disclosure and ensure that interested parties are able to exercise their right to review a judge’s financial holdings and determine whether a conflict of interest or potential conflict of interest exists.

“A copy of the annual financial disclosure statement should be filed in the office of the clerk for the court in which the judge served, where there is full public access to this statement.”

Rule 4.13

Acceptance of Gifts

HALT, Inc. and Community Rights Counsel

James C. Turner, et al.

October 15, 2003

HALT and the Community Rights Counsel [CRC] are concerned that the provision in current Canon 4D5 allowing acceptance of “an invitation to the judge and the judge’s spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice” represents a gaping loophole that largely eviscerates the Canon’s prophylactic provisions. HALT and CRC believe the exception can be interpreted to cover seminars funded by corporations and special interest groups so long as the activities are tangentially related or even under the guise of being related to the legal system. To close the loophole, HALT and CRC recommend that the Commission clarify the true intention of the gift prohibition by adding the following language to the rule prohibiting gifts:

“Judges shall not accept gifts that have an aggregate value in excess of \$500 in association with privately-continuing legal education programs for judges.”

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To clarify its recommended prohibition of gifts in excess of \$500 in association with privately-continuing legal education programs for judges, HALT and the Community Rights Counsel recommend the following comment to the rule prohibiting gifts:

“In recent years, corporations and other interested parties have started hosting or funding expense-paid continuing legal educational programs for judges in order to advance a particular perspective on the law or specific legal issues. Participation in these events inevitably creates the appearance of a conflict. The program fees and materials, travel, food, and lodging expenses associated with such programs are gifts to the judge.”