

Summary

TO: The American Bar Association Joint Commission to Evaluate the Model Code of Judicial Conduct

FROM: Marina Angel, Professor of Law, Temple University

RE: Rule 2:05(A) and (B)

DATE: August 8, 2005

Rule 2:05.

Professor Angel urges that harassment, including sexual harassment, must be addressed in the Rule itself, not just in a Comment. She suggests the following additions to Rule 2:05(A) and (B).

Rule 2:05(A) lines 5 and 6 should be revised to read conduct manifesting bias, prejudice, **or harassment**, including but not limited to bias, prejudice, **or harassment** based upon race, gender.&

Rule 2:05(B) line 12 should be similarly revised to read refrain from manifesting bias, prejudice, **or harassment**, based upon race, gender&.

A new (C) should be added as follows: **(C) A judge shall not have a sexual or romantic relationship with any person with whom he or she comes into contact or affects in the course of the performance of his or her judicial duties.**