

Matt Besser
Law Clerk,
Hon. Richard L. Nygaard
United States Court of Appeals
March 15, 2005

Mr. Besser notes an unexplained relationship between *permissible* campaign speech and recusal. He points out that August 2003 amendment to Canon 3E(1) made clear that prohibited campaign speech was grounds for recusal, but left open the situation of a judge who engaged in protected campaign speech on an issue and was then faced with that issue once on the bench.

Mr. Besser offers for consideration his student note, *May I Be Recused? The Tension Between Judicial Campaign Speech and Recusal After Republican Party of Minnesota v. White*, which addresses that question. The note can be found at 64 Ohio St. L.J. 1197.