

SUMMARY

**Justice Patricia Cotter
Montana Supreme Court
Chair, Montana Commission on the Code of Judicial Conduct
May 4, 2005**

Canon 5

The Montana Commission on the Code of Judicial Conduct first addresses the definition of “political organization.” It notes that the Terminology Section defines it as “a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.” In their view, the narrower the definition of this term, the better. It notes the truly local nature of all Montana politics and the importance of personal visibility and involvement of candidates at functions on either side of issues.

The Montana Commission would like to retain the right to support or oppose other judicial candidates for the same court or a court in the same community, all of whom would likewise be in non-partisan races.

They note that in most of the small communities, political meetings and events are the life-blood of the community. Citizens tend to distrust judges who show up at such events only during an election year. Moreover, the non-judge who intends to run for judicial office is not subject to such constraints.

The Montana Commission proposes a number of revisions to specific language that reflect this more small town, rural and local perspective. They note, for example, that if “political organizations” is narrowly defined to the point that it encompasses only political parties, then the prohibition regarding assessments or contributions is less problematic but such a prohibition would have a different impact in Montana than in a larger urban setting.