SUMMARY

Kay H. Hodge, Chair
ABA Commission on Racial and Ethnic Diversity in the Profession
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Canon 4, Rule 4.04 (B)(3) Comment [8] ("Participation in Civic or Charitable Activities").

The Commission raises concerns with regard to the language proposed in Canon 4, Rule 4.04 (B)(3) and its Comment [8]. The Commissions are concerned that Canon 4, Rule 4 (B) as proposed will have negative affects on the interaction of judges with minority bar associations, minority lawyers and minority communities. They argue that it is essential that judges, both minority and majority, provide role models and be able to actively mentor and encourage minority lawyers to remain in the legal profession and to seek judicial office. They urge that judges be able to participate with young people to encourage them to seek law as a profession. Further they note that the exercise of judicial power must be informed by the distinct perspectives of minority lawyers. Relationships that many judges have with minority bar association offer means of facilitating mutual education about the Law, the Justice System and minority experiences and perspectives, as well as laying the foundation for building relationships of trust and respect. The Commission feels it is crucial that judges have every opportunity to acquaint themselves with the perspectives, experiences and cultural norms of minority populations. The rule in its current form threatens those opportunities and has a chilling affect upon participation with those Bars and other groups. The committee urges the rule be redrafted to more clearly express its intent and to avoid any unintended limiting of participation in minority bars of associations.