

March 11, 2006

American Bar Association
Joint Commission to Evaluate the Model Code of Judicial Conduct
Attention: Marcia Kladder, George Kuhlman
321 N. Clark Street
Chicago, IL 60610

Re: Final Comments of National Association of Women Judges

Dear Members of the Commission:

The National Latina/o Law Student Association (NLLSA), a non-partisan organization driven by the goal to protect and advance the civil rights of Latinas and Latino in law schools and in our respective communities, urges the commission to retain the language in Rule 4.04(B)(3) which permits judges to appear at, speak, and/or receive recognition at fundraising events such as ones sponsored by minority bar associations. We at NLLSA believe that such language helps to alleviate the disparate and harmful impact of prohibiting judicial participation in events put on by organizations that represent and are made up of members from underrepresented communities. Organizations like NLLSA who advocate for the legal rights of minorities, immigrants and other vulnerable groups will invariably combine their major events with a fundraising element. Limitation and/or prohibition of judicial participation in such events would be detrimental to such groups and to any meaningful interaction between marginalized communities and the judicial system.

Comment [8] to Rule 4.04 is particularly alarming to NLLSA and we urge the commission for its omission. Limiting a judge's presence at a "specialty bar association" will not only lead to the isolation of judges from partisan bar associations but rather to all specialty interest bar associations, including minority bars, women's bar, and possibly even plaintiff's bar or tax lawyer's bar. NLLSA joins the Association of Business Trial Lawyers, the Defense Research Institute, ATLA, the International Association of Defense Counsel, the American Immigration Lawyers Association, the Federation of Defense and Corporate Counsel, the Federalist Society, the American Constitution Society, state and local trial and consumer lawyers' associations, the National District Attorneys Association, the National Legal Aid and Public Defenders Association, and lawyers' groups that represent the victims of domestic violence, which have pointed out that such language may well have a chilling effect on judicial participation in the events of women's and minority bar associations.

Comment [1], which reads a "judge is permitted to participate in civic or charitable activities for the benefit of the community of which the judge is a part, provided that such participation does not take inappropriate advantage of the judge's position, or otherwise interfere with the performance of the judge's judicial duties," provides ample protection for unethical activities by judges. NLLSA encourages the commission to use the language in Comment [1] while omitting potentially detrimental language such as found in Comment [8]. Comment [8] is strictly at odds with Comment [1] and with the reasoned belief that judges should be part of the community they belong to and preside over. NLLSA believes in the benefit of promoting judicial participation in

civic and charitable events and urges the Commission to consider the changes proposed by The National Association of Women Judges (NAWJ).

Sincerely,

Juan J. Redin
Attorney General, National Latina/Latino Law Student Association