

SUMMARY

National Bar Association
Reginald Turner, President, National Bar Association
Judge Martha Sherrod, Chair, Judicial Council, NBA
Paulette Brown, NBA Representative to ABA House of Delegates

March 14, 2006

Canon 4

The National Bar Association is concerned with Proposed amended Rule 4.04 and most particularly, we are concerned with Proposed amended Rule 4.04(B)(3). It states in pertinent part:

“...a judge may participate in activities on behalf of civic or charitable organizations...unless the organization’s membership includes predominately lawyers who chiefly advocate a particular position or represent a particular client or type of client.”

National Bar Association that Comment 8 appears to place severe limitations on the a judges participation in civic and charitable organizations. The rationale for the participation in these organizations appear to be in direct contradiction to Comment 8, where you state:

“Even with respect to law-related civic and charitable organizations, a judge should consider whether the membership and purposes of the organization...would conflict with the judge’s obligation to refrain from activities that would adversely affect upon the judge’s independence, integrity, and impartiality. For example, it would be inappropriate for a judge to speak at a fundraising event for a specialty bar association whose members are closely identified with certain clients or particular positions on certain legal issues.” (Emphasis added).

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The National Bar Association is concerned that this language, with no definition of “specialty bars”, could be interpreted to mean all Bar Associations of Color, all Women’s Bar Associations and all of those Bar Associations, for which the Code ostensibly encourages participation so that judges may not feel isolated.

The National Bar Association requests that a definition of “specialty bars” be included in the Proposed Rules, which would specifically exclude such organizations such as the National Bar Association, The Hispanic National Bar Association, The Native American Bar Association, The National Asian and Pacific Bar Association and similar bar associations. As currently written, there is nothing in the Proposed Rules which would distinguish a Bar Association of Color from ATLA, for example.