

SUMMARY

ABA Standing Committee on Judicial Independence (SCJI)

Doreen D. Dodson, Chair

March 13, 2006

Canon 4

Rule 4.04 (b)(3)

The SCJI finds that the proposed language regarding a judge's appearance at a civic or charitable event that prohibits a judge from speaking at an event sponsored by a specialty bar association to be far too restrictive. They suggest that the available recusal provisions should be employed to remedy any impropriety allowed by a less restrictive formulation of the policy.

Rule 4.11

Regarding the waiver or reimbursement of travel expenses for attendance at educational events, the SCJI commends the Commission for its efforts in drafting this rule. They feel it is important for judges to attend such activities and note that most court budgets for judicial education are limited. They find the factors enumerated in the rule to be adequate guidance in helping a judge decide if a certain event is appropriate for attendance.

Canon 5

Rule 5.01 Comments 1 and 3

The SCJI urges the Commission to revisit Comments 1 and 3 regarding permitted political and campaign activities for candidates for political office in light of *White* and of a case in Ohio, *O'Neil v. Coughlin*, that addressed advertising party affiliation after the primary election. The SCJI predicts that similar restrictions on a judge's first amendment rights are unlikely to pass constitutional muster.