

SUMMARY

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On Behalf of the ABA Judicial Division National Conference
of Specialized Court Judges
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Comments of the ABA Judicial Division National Conference of Specialized Court Judges

The ABA Judicial Division National Conference of Specialized Court Judges Strongly support the retention of the appearance of impropriety standard in the Judicial Code.

It questions new rule 2.12 in subsection (a)(6)(v) which requires a judge to disqualify himself if he presided as a judge over the proceeding in the same or another court. This language could prevent a judge from presiding over a case returned by an appellate court or from an interlocutory appeal. To the Commission, this prohibition does not seem necessary.

The ABA Judicial Division National Conference of Specialized Court Judges questions the need for quarterly reporting of reimbursement and waivers, although compensation may be reported annually. It sees no reason for this distinction.

The National Conference disagrees with the inclusion of "sexual orientation" as a basis for discrimination in the policies of clubs and membership entities. It notes that the DOD policy as regards military service and sexual orientation is conduct based not status based.