

1 **DISCIPLINE COMMITTEE DRAFT**

2 **American Bar Association**
3 **Model Code of Judicial Conduct**

4 **MAY 2004 DRAFT**

5 **CANON 1**

6 **OBSERVING STANDARDS OF JUDICIAL CONDUCT: A JUDGE**
7 **SHALL OBSERVE THE HIGH STANDARDS OF CONDUCT**
8 **EMBODIED IN THESE CANONS AND THESE RULES SO THAT**
9 **THE INTEGRITY, INDEPENDENCE AND IMPARTIALITY OF THE**
10 **JUDICIARY, AND THE PUBLIC'S CONFIDENCE THEREIN, ARE**
11 **PROMOTED AND PRESERVED.²**

12 **RULE 1.01 A judge shall avoid impropriety and the appearance**
13 **of impropriety in all the judge's activities, and shall uphold the**
14 **integrity, independence and impartiality of the judiciary.¹**

15 **Commentary:**

16 [1] An independent judiciary is indispensable to justice in our society. High
17 standards of judicial conduct promote the integrity and impartiality of the
18 judiciary and foster public confidence in the administration of justice.
19 Avoiding impropriety and its appearance is the fundamental principle of
20 judicial conduct embodied in this Rule. The prohibition against acting with
21 impropriety or the appearance of impropriety applies to both the
22 professional and personal conduct of a judge. Because it is not
23 practicable to list all prohibited acts, the proscription against avoiding
24 impropriety and the appearance of impropriety set forth in this Canon and
25 this Rule is necessarily cast in general terms that extend to conduct by
26 judges that is harmful although not specifically mentioned in this Code.
27 Impropriety occurs when a judge's conduct compromises the ability of the
28 judge to carry out judicial responsibilities with integrity, impartiality and
29 competence. Actual improprieties under this standard include violations of
30 law, court rules, or other specific provisions of this Code. An appearance
31 of impropriety occurs when the conduct could create in reasonable minds
32 a perception that the judge's ability to carry out judicial responsibilities with
33 integrity, impartiality and competence is impaired. See also Commentary
34 under Rule 3.04.⁵

35 [2] A judge is encouraged to participate in activities that promote
36 ethical conduct among judges and lawyers, including efforts to
37 study, develop, maintain, implement and enforce codes of conduct,
38 encourage pro bono representation, and support professionalism
39 within the judiciary and the legal profession.

40 ¹ Canon 2

41 ² Canon 1.A & Canon 2A.

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2 [3] Deference to the judgments and rulings of courts depends upon
3 public confidence in the integrity, independence, and impartiality*of
4 judges. A judiciary of integrity and impartiality is one in which judges are
5 known for their probity, fairness, honesty, uprightness, and soundness of
6 character. An independent judiciary is one free of inappropriate outside
7 influences. Public confidence in the impartiality, integrity and
8 independence of the judiciary is maintained by judges acting in a manner
9 free from fear, favoritism, self-interest or bias. Violation of this Code
10 diminishes public confidence in the judiciary and injures our system of
11 government under law.³

12 [4] The duty to act in a manner that promotes public confidence in
13 the integrity of the judiciary does not imply that judges have an
14 obligation to refrain from criticism that does not violate these
15 Canons and Rules or other applicable law. Judges are in a unique
16 position to identify and address problems affecting the courts and
17 the justice system, and should be encouraged to bring those
18 matters to light, as a means to promote the effective administration
19 of justice.

20 [5] Public confidence in the judiciary is eroded by the irresponsible or
21 improper conduct of judges. A judge must expect to be the subject of
22 constant public scrutiny. A judge must therefore accept restrictions on the
23 judge's conduct that might be viewed as burdensome by the ordinary
24 citizen and should do so freely and willingly.⁴

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27 **Rule 1.02 Complying with the Law. A judge shall comply with**
28 **the law.***

29 **Commentary:**

30 [1] A judge's obligation to comply with the law includes compliance
31 with the law, court rules and the provisions of this Code.⁷

32 ³ Canon 1.A. Commentary

33 ⁴ Canon 2A Commentary

34 ⁵ Canon 2A Commentary

35 ⁶ Canon 2A

36 ⁷ Canon 2.A. Commentary

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