

SUMMARY

Association of Judicial Disciplinary Counsel

Victoria B. Henley President

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Canon 1

The Association of Judicial Disciplinary Counsel (AJDC) states its very strong support for the proposed Canon 1 and the “Appearance of Impropriety” Standard contained therein. At its July meeting the Association reached an “overwhelming consensus” regarding the importance of this standard in the Judicial Code. As professionals who interpret, defend and explain the code through advisory opinions, they are particularly well-situated to opine on how the code provisions perform in application. They appreciate the fact that the “Appearance of Impropriety” Standard has been returned to black letter status in the current draft. The Association is also pleased with the inclusion of language requiring that a judge act at all times in a manner calculated to “uphold public confidence in the impartiality, integrity and independence of the judiciary.”

The Association of Judicial Disciplinary Counsel notes that no code of conduct can successfully list or enumerate every conceivable form of foreseeable misconduct and points out that such language as “avoiding the appearance of impropriety” is familiar in professional and employment codes of conduct. It is sometimes criticized on constitutional grounds of vagueness, however, the Association points out that the language and similar provisions, such as “conduct unbecoming an officer” has repeatedly survived challenges.