

Rule 1.01 Comment 3
Observing Standards of Judicial Conduct
Oklahoma Bar Association Access to Justice Committee
Professor Judith L. Maute
July 1, 2004

Supplementing her individual testimony to the Commission at its Naples, Florida meeting and with additional support of the Oklahoma Bar Association Access to Justice Committee, Professor Maute reiterates her testimony recommending that Rule 1.01 Comment 3 more explicitly encourage lawyers to support and provide leadership on improved access to justice and pro bono work by lawyers. Professor Maute observes that it is imperative that the Code of Judicial Conduct give assurance that such support is both proper and affirmatively encouraged. She urges the Commission to revise Comment 3 as follows. (Additions underlines; deletions struck through.)

[3] In addition to complying with the high standards of judicial conduct, a judge is encouraged to participate in activities that promote ethical conduct generally among judges and lawyers, including efforts to study, develop, maintain, implement and enforce codes of conduct, ~~encourage pro bono representation,~~ and support professionalism within the judiciary and the legal profession. Public respect for and confidence in the legal system requires that persons with viable legal claims or defenses have meaningful access to the courts. Pro se litigants present special challenges to the orderly administration of justice. Accordingly, judges should actively support and encourage lawyers' participation in pro bono activities and legal reforms to improve access to justice.

Rule 4.04 Comment
Civic or Charitable Activities
Oklahoma Bar Association Access to Justice Committee
Professor Judith L. Maute
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Professor Maute urges the Commission to encourage appropriate judicial support of pro bono matters and points out the concern of some judges about the propriety of actively supporting pro bono programs. She suggests the Commission include new Comment to Rule 4.04 to more precisely address such concerns and offers a 10/28/03 order of the Nevada Supreme Court amending its Canon 4(C)(3)(b) to foster judicial support of pro bono activities.