

SUMMARY

Nancy J. Moore
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Preamble

Professor Moore suggests casting the Canons in language that does not use mandatory terminology, such as “shall” or “shall not” since the rules are the portions of the code that set enforceable standards.

Canon 1

Professor Moore is in favor of continuing the “appearance of impropriety” standard.

Canon 2

Rule 2.01

Professor Moore advises adding a Comment for this Rule.

She finds the wording in subsections (B) and (C) to be awkward and offers replacement language.

Rule 2.06 Comment 1

Professor Moore questions the statement that intentional failure to follow the law *may* amount to a violation of the rule, asking for further guidance from this section.

Rule 2.9 Comment 3

Professor Moore asks what would happen if the judge did find information at a settlement conference that would prejudice his decision-making during trial and asks if he would be permitted or required to recuse himself.

Rule 2.10 Comment 3

Professor Moore recommends that judges be allowed to seek information and information and expertise from law professors in an informal manner.

Rule 2.12 (A)(4)

Professor Moore states that a specific amount be used to delineate campaign contributions that if received would cause a judge to be disqualified from hearing a matter.

Rule 2.12 Comment 5

Professor Moore states that the draft does not differ from the old Code and that it is phrased in terms of what a judge should do. She recommends formulation of a mandatory standard.

Rule 2.13

Professor Moore recommends adding a Comment to this rule.

Rule 2.18 (A)(B) Comment 1

Professor Moore notes that alternatives to the remedial actions offered, such as contacting the lawyer's partners be included in the rule.

Rule 2.19 Comment 1

Professor Moore points out that the phrase "appropriate corrective action" mirrors the black-letter language from the rule.

Canon 5**Rule 5.03 Comment 2**

Professor Moore points out that there is no prohibition contained in (A).

Rule 5.05

Professor Moore questions why candidates for appointive judicial office are allowed to seek and use endorsements from political organizations when candidates in retention elections and in non-partisan elections are not.