

SUMMARY

National Association of Women Judges
Judge Vanessa Ruiz
February 3, 2006

Canon Four

Rule 4.04(b)(3) (“Participation in Civic or Charitable Activities”)

NAWJ is concerned with respect to newly proposed language and Comment 8 to the Rule. NAWJ believes that these provisions could significantly and unjustifiably operate to impair a judge’s ability to participate in the civic or charitable activities of his or her community, which would isolate judges from the mutually beneficial interactions that both enhance the understanding and perceived legitimacy of the system of justice in the greater community, and broaden and inform a judge’s perspective.

NAWJ recommends that the Commission delete the language in question, and amend these provisions to include language from the California Code of Judicial Ethics that will permit a judge in delineated circumstances to attend, speak at, or accept an award from certain organizations, so long as the judge makes a conscious effort to ensure that he/she is open to participation in the events of organizations representing different types of clients or positions. NAWJ recommends that at a minimum Rule 4.04 (b)(3) and Comment 8 be amended to include language removing from proscribed activities a judge’s attendance at, speaking at, or receiving awards from “...public service organizations that seek improvement in the administration of justice, benefit indigent representation, or assist access to justice...”

Comment 8

“...it would be inappropriate for a judge to speak at a fundraising event for a specialty bar association whose members are closely identified with certain clients or particular positions on legal issues.”

NAWJ finds this newly added last sentence to Comment 8 confounds the otherwise clear, reasonable and important message of the first clause of that Comment and of Comments [1] and [2] which precede it. The second sentence of Comment 8 states, **“For example, it would be inappropriate for a judge to speak at a fundraising event for a specialty bar association whose members are closely identified with certain clients or particular positions on legal issues.”** NAWJ notes that to the extent that the term “specialty bar” is a term of art, it is generally understood to include all specialty interest and affinity bar associations, including women’s and minority bars, and clearly the lawyer membership organizations listed in the above discussion.