

SUMMARY

Hon. Louis A Sherman
Norfolk General District Court
January 31, 2006

Canon 3, Rule 3.01, subparagraph [2]

Judge Sherman would delete the last sentence and utilize language the Virginia Canons of Judicial Conduct, which allows a judge to provide a letter of recommendation on court letterhead provided that "an indication [is] made that the opinion expressed is personal and not an opinion of the court."

Canon 3 Rule 3.04

Judge Sherman believes the Commission has done a good job balancing the need for judges to avoid membership in discriminatory organizations with the judges' constitutional rights to be affiliated with religious and other organizations that engage in clearly private and constitutionally protected conduct.

Canon 4, Rule 4.11, subparagraph (B),

The judge finds that there may possibly be an omission of language in the sentence which starts "Any reimbursement" To be consistent with the language in subparagraph (A) above, it would make sense to me for the sentence in question to read: Any reimbursement or waiver of charges, from sources other than the judge's employing entity, that alone or in the aggregate...." (emphasis added) I believe the Commission has done a good job in subparagraph [4] of the Comment to Rule 4.11 articulating the factors for a judge to consider in deciding whether or not to attend a particular activity on an expenses-paid basis.

Canon 4, Rule 4.13

Judge Sherman objects again to the administrative burden placed on judges to report waivers and expense reimbursements quarterly, he finds annual reporting to make much more sense, and suggests semi-annual reporting as a possible mid-ground.