

SUMMARY

Chief Judge Louis A. Sherman
Norfolk General District Court
September 09, 2005

Canon 1,

Chief Judge Sherman urges that the Commission should retain the language regarding the "appearance of impropriety" in Rule 1.03, as well as the test set forth in subsection 2 of the proposed Comment. Judge Sherman notes that he and his fellow members of the judiciary should expect to be closely scrutinized by the public and should avoid activities that not only are improper but have the appearance of impropriety to reasonably minded members of the public.

Canon 3, Rule 3.02, Comment [5]

The Chief Judge agrees with the present proposed that allows a judge to provide references based upon the judge's personal knowledge of an individual, whether that knowledge is obtained through the judge's experience as a judge or through a long-term personal or family friendship.

Canon 3, Rule 3.04

Chief Judge Sherman believes it is important that the language in Comment [1] "Rule 3.04 does not prohibit a judge's membership in any organization dedicated to the preservation of religious, ethnic or legitimate cultural values of common interest to its members" be added to the rule. He lists a variety of legitimate organizations to which judges commonly belong that may seem to fall under the prohibition of the rule as it is currently phrased.

Canon 4, Rule 4.13, Comments [2] and [3],

Judge Sherman finds that the administrative burdens placed upon judges to make the factual determinations needed to decide whether or not to attend privately funded educational programs are overly burdensome. He notes that many legitimate educational programs are often sponsored by organizations seeking economic benefit and such support is necessary in order to help defray program expenses. He likewise has difficulty with the administrative chores placed upon judges by Rule 4.15 to report quarterly reimbursements and waivers of expenses, especially as related to attendance at privately funded programs. Judge Sherman suggests having all educational programs submitted in advance to state and federal judicial administrative agencies, which would then publish annually a list of approved programs which judges may attend.