

September 9, 2005

*Via e-mail – Attention:*  
[Ms. Debra Taylor@staff.abanet.org](mailto:Ms. Debra Taylor@staff.abanet.org)

American Bar Association  
Joint Commission to Evaluate the Model Code of Judicial Conduct

Dear Ms. Taylor:

In my capacity as President of the Delaware State Bar Association, I offer the following comments on behalf of our Association.

In reference to proposed comment [3] to Rule 2.05, we suggest preceding the language with a new sentence, affirmatively stating an expectation that judges will treat people in the courtroom with respect.

In reference to proposed comment [5] to Rule 2.12, we suggest that you include the word “reasonably” after the word “might” in order to be sure that a standard of reasonableness is applied rather than an absolute standard.

Regarding proposed Rule 2.14, we suggest that it be clarified that a judge is expected to supervise staff’s behavior to the extent that it is feasible to do so. The addition of the words “where feasible” after the word “shall” and the words “to the extent possible” at the end of the sentence may avoid the imposition of an absolute standard.

We offer no comment on the proposed change to Rules 3.04 and 5.01(l).

Although it has probably been identified by others at this point, we note that there are two typographical errors. Proposed Rule 2.06 has an unnecessary “e” at the end of the word “disposing” and the word “statutes” is missing the second “t” in the next to the last line of proposed Rule 1.04.

Thank you for providing us with an opportunity to comment and best wishes with the drafting process.

Sincerely yours,  
Helen L. Winslow

cc: Geoffrey Gamble, Esquire (by e-mail)  
Betsy McGeever, Esquire (by e-mail)  
Noel Primos, Esquire (by e-mail)

bcc: The Honorable Aida Wasserstein

