

March 13, 2006

To: ABA Joint Commission to Evaluate The Model Code of Judicial Conduct

From: Frances Kahn Zemans

In re: Comment on Final Draft of Model Code of Judicial Conduct

SUGGESTED ADDITION TO PREAMBLE

Insert the following at end of the Preamble:

The Code is designed as a series of enforceable standards, however, judges are encouraged to aspire beyond those standards and to conduct that enhances public confidence in an independent and impartial judiciary that is critical to maintenance of the rule of law.

POSSIBLE SUGGESTED ADDITIONS TO CANON 5 COMMENTARY

Insert the following at line 7, page 3:

While paragraph (C)(1) confirms the right to publicly state or announce views on legal, political and other issues, judicial candidates should be aware that to do so may affect public perceptions of their independence and impartiality on the bench.

Insert the following at line 13, page 6

While paragraph (C)(1) confirms the right to publicly state or announce views on legal, political and other issues, judicial candidates should be aware that to do so may affect public perceptions of their independence and impartiality on the bench.

Insert the following at line 26, page 6:

While paragraph (A)(13) does not prohibit response to questionnaires seeking views on disputed or controversial legal or political issues, judicial candidates should be aware that to do so may affect public perceptions of their independence and impartiality on the bench.