

The Report with Recommendations filed with the ABA House of Delegates for consideration in Miami in February 2007 includes the following substantive changes made to the October 2006 version of the proposed revised Model Code of Judicial Conduct 1990. These changes reflect the Commission's consideration of comments received since the release of the October version.

1. Language based upon the 1990 Code has been restored to the Preamble section, indicating that the Judicial Code provides a basis for regulating judges' conduct through disciplinary agencies.
2. In Comment [4] to Rule 1.2, the language urging judges to "implement and enforce codes of judicial conduct" was deleted, as being both unnecessary and unclear as to how judges could comply with it.
3. In Comment [2] to Rule 1.3, the Commission deleted language calling upon a judge who writes a personal letter of recommendation to make a specific statement that the recommendation is not the view of the court. Such a step was considered unnecessary.
4. Comment [3] to Rule 2.2, referring to a judge's "intentional disregard for the law," was deleted, on the suggestion that such conduct should not be countenanced in any event.
5. Comment [5] to Rule 2.5 was deleted, both because it treated matter contained in a different Rule (2.14, "Disability and Impairment") and because it was thought overbroad in its treatment of physical impairments affecting a judge's competence.
6. Comment [5] to Rule 2.9 on ex parte communications was amended to add a clarification that a judge ought not discuss a matter with any judge who might have appellate jurisdiction over the matter in question.
7. Commentary was added to Comment [1] of Rule 2.11 to remind the reader that the terms "disqualification" and "recusal" are frequently used interchangeably.
8. A new Comment [2] was added to Rule 2.10, suggesting the desirability of having third parties, rather than judges themselves, respond to public statements about the judges' handling of cases.
9. In Rule 3.4, reference to judges being "permitted by law" to participate in certain government commissions or other positions was deleted. The Commission believed that simple acknowledgement that some commissions require judicial membership was sufficient treatment of the subject. In Comment [1] to Rule 3.4, the reference to "controversial subject matter" was deleted.
10. In Rule 3.10, language was moved from Comment to the black letter, to establish more directly that judges may not represent family members in proceedings in court.

Additional typographical and format changes were made, but have no substantive effect.