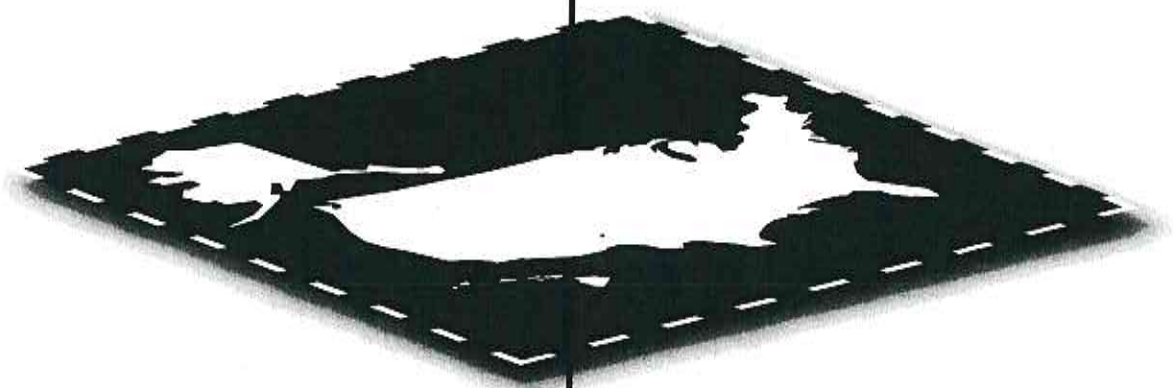


Handbook for Members of Judicial Conduct Commissions

Cynthia Gray

American Judicature Society



**How Judicial Conduct
Commissions Work**

**Ethical Standards for
Judges**



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Founded in 1913, the American Judicature Society is an independent, nonprofit organization supported by a national membership of judges, lawyers, and other members of the public. Through research, educational programs, and publications, AJS addresses concerns related to ethics in the courts, judicial selection, the jury, court administration, and public understanding of the justice system.

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Introduction

Just as education for judges is an indispensable component of the United States justice system, education for judicial conduct commission members is a fundamental element of an effective, independent, and fair judicial discipline system. Providing a general overview of the purposes and principles of judicial ethics and discipline, this *Handbook for Members of Judicial Conduct Commissions* is designed to assist the members of judicial conduct commissions as they undertake their important role of considering allegations of misconduct made against judges. Developed by the American Judicature Society under a grant from the State Justice Institute, the *Handbook* has two parts.

“How Judicial Conduct Commissions Work” describes the judicial discipline process step-by-step from the filing of a complaint against a judge to the imposition of a sanction, explaining the purposes of judicial conduct commissions and examining the distinction between appealable error, over which commissions generally do not have jurisdiction, and judicial misconduct, which is the crux of their responsibility. This section reflects the variety of judicial discipline proceedings among the fifty states to enable conduct commission members to see how each state’s procedures compare to others. This section also discusses the rationale for the confidentiality of judicial discipline proceedings at certain stages and the opening up of the process to the public at other stages. “How Judicial Conduct Commissions Work” also reviews the criteria for determining sanctions based on standards adopted in decisions and

rules and analyzes the role of the state supreme courts in judicial discipline. Finally, it discusses ethical guidelines for commission members, reviewing the rules that exist in some states in areas such as political conduct, financial dealings, and disqualification.

“Ethical Standards for Judges” is a concise but comprehensive introduction to the substantive rules in judicial ethics enforced by judicial conduct commissions. Beginning with the canons in the American Bar Association’s Model Code of Judicial Conduct, this section discusses the standards for both on-the-bench and off-the-bench behavior for judges, considers the basis for the rules, defines relevant terms, and gives examples of misconduct that has resulted in discipline.

The appendices include charts showing “How Judicial Conduct Commissions Work” and “How State Courts are Organized,” and tables indicating, state-by-state, commission membership and when confidentiality ceases. There is also a list of other available resources about judicial ethics and discipline.

