



ETHICS: Trends and Precautions

**National College of
Probate Judges
2002 Fall Conference
Tucson, Arizona**

ABA MODEL CANONS

- 1) A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY
- 2) A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES
- 3) A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

ABA MODEL CANONS

- ⌚ **4) A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS**
- ⌚ **5) A JUDGE OR JUDICIAL CANDIDATE SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITY**




CANON 5


**A JUDGE OR JUDICIAL CANDIDATE SHALL
REFRAIN FROM INAPPROPRIATE
POLITICAL ACTIVITY**

MINNESOTA VS. WHITE

- ⌚ **Announce clause: “A judicial candidate: should not...announce his views in disputed legal or political issues....”**
- ⌚ **What can you say?**
- ⌚ **What can you not say?**
- ⌚ **Is there a high road to follow?**



**Setting aside my obvious and
acknowledged duty to strictly
construe and enforce the actions of
the legislature, I am personally
opposed for moral and religious
reasons to _____**



“Candidate's campaign is funded by right wing radicals who have no respect for the law. Judge Incumbent is a tough, no-nonsense judge who respects and upholds the law”

JUSTICE FOR HIRE???

- ⌚ **What are the limits, if any, on campaign fund raising?**
- ⌚ **Should you accept money from lawyers who appear in front of you?**
- ⌚ **Should you accept special interest money?**



CANON 4

**A JUDGE SHALL SO CONDUCT THE
JUDGE'S EXTRA-JUDICIAL ACTIVITIES AS
TO MINIMIZE THE RISK OF CONFLICT
WITH JUDICIAL OBLIGATIONS**

PARTICIPATION IN VOLUNTEER WORK

Ω **If a organization, such as the Boy Scouts of America, legally discriminates, may judges ethically participate in volunteer work with them?**



PARTICIPATION IN FUND-RAISING ACTIVITIES

**In what, if any, charitable fund-
raising activities can a judge
participate ?**



CANON 2

**A JUDGE SHALL AVOID IMPROPRIETY
AND THE APPEARANCE OF IMPROPRIETY
IN ALL OF THE JUDGE'S ACTIVITIES**



PARTICIPATION IN EDUCATIONAL PROGRAMS FUNDED BY OTHER ENTITIES

May judges participate in seminars or educational programs funded by businesses, foundations or other non-governmental entities whose interest may come before the judiciary?

FOUR THINGS BELONG TO A JUDGE:

- Ω to hear courteously;
- Ω to answer wisely;
- Ω to consider soberly;
- Ω and to decide impartially.
- Ω - *Socrates*