

7-11-1971

New Rules for Bench Sit Well With Lawyers

Jack C. Landau

Follow this and additional works at: <http://repository.uchastings.edu/publicity>

 Part of the [Judges Commons](#), and the [Legal Ethics and Professional Responsibility Commons](#)

Recommended Citation

Jack C. Landau, *New Rules for Bench Sit Well With Lawyers* (1971).
Available at: <http://repository.uchastings.edu/publicity/46>

This News Article is brought to you for free and open access by the Judicial Ethics and the National News Council at UC Hastings Scholarship Repository. It has been accepted for inclusion in Publicity & News Clippings by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

JUL 11 1971

Byfaller

New rules for bench sit well with lawyers

By JACK C. LANDAU

NEW YORK—The American Bar Association was surprised to learn last week that there is little opposition so far to a proposed new code of judicial ethics for all local, state and federal judges.

Drawn up in the wake of scandals involving former Supreme Court Justice Abe Fortas and Supreme Court nominee Clement F. Haynsworth Jr., the sweeping new proposals to govern almost all aspects of judicial behavior—on and off the bench—received their first public hearing at the Bar Association's annual convention here.

The 40 federal, state and local judges from around the nation who attended the initial hearing appeared generally satisfied with the proposed code, which makes radical changes in the existing canons of ethics. For example:

- It absolutely bars a judge from sitting on any case in which he has any financial interest.

- It flatly stops him from participating in a group, such as the Warren Commission on the Kennedy assassination, that may become politically controversial.

- It severely limits partisan political activity even for judges who are elected.

Under the current canons of judicial ethics, adopted in 1924, a judge is only barred from hearing a case in which he has a "significant" financial interest—a determination that he alone makes in the secrecy of his own conscience.

Whitney North Seymour Sr., former president of the ABA, told the judges' meeting that "we feel it is better to have an absolutely flat rule so that a judge does not have to worry in every case whether his financial interest is significant or insignificant."

Other provisions of the new code aimed at financial integrity require a judge to divest himself "as soon as possible" of stocks and bonds that might lead to frequent disqualification.

A judge also is required to publicly report all outside income from such "extrajudicial" and "quasijudicial" activities as speechmaking, teaching and writing.

This provision was particularly aimed at the type of criticism that rose when it was discovered Justices William O. Douglas and Fortas both had received substantial yearly sums from charitable foundations.

Seymour said there had been a strong debate in the bar committee, with some members favoring a rule that would require a judge to publicly report his whole income every year.

"We thought that judges have some rights to privacy," Seymour said. Under the current canons of ethics, judges are not required to tell the public anything about their income.

"But we also felt that the public has a right to know how a judge spends his outside time because, after all, he is being paid as a full-time judge," Seymour added.

While encouraging judges to be active in groups seeking improvements in the administration of justice, the proposed canons specifically bar a judge from accepting appointments "to a government committee . . . charged with resolving issues of fact or policy" unconnected with legal activities.