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Stiff Ethics Code Drafted For Judges by Bar Panel

By ARNOLD H. LUBASCH

A comprehensive revision of the Canons of Judicial Ethics that govern the conduct of judges throughout the country has been drafted by a special committee of the American Bar Association.

The committee's complete draft, which was announced yesterday, represents the first major revision of the ethical guidelines since 1924 and can be expected to have a significant impact on the nation's judiciary.

The revised canons for judges contain provisions designed to prevent conflicts of interest, including the issues that were involved in the rejection of Judge Clement F. Haynsworth Jr. for the Supreme Court and in the

resignation of Associate Justice Abe Fortas.

A new provision states that judges must disqualify themselves if they have any financial interest—"however small"—in a case that comes before them, which applies to Judge Haynsworth, who owns shares in a company involved in an appeal to his court.

Another new provision specifies that judges must publicly report any compensation they receive from outside sources, which relates to former Justice Fortas, who was criticized when it belatedly became known that he had accepted a \$20,000 fee from the family foundation of Louis E. Wolfson, the legally troubled financier.

The revised canons note that "public confidence in the judiciary is eroded by irresponsible or improper conduct by judges."

Politics Limited

"The judge must avoid all impropriety and appearance of impropriety," they continue. "He must expect to be the subject of constant public scrutiny. He must therefore accept restrictions on his conduct that might be viewed as burdensome by the ordinary citizen."

Provisions also declare that a judge should not act as an arbitrator, practice law or serve as an officer or employe of any business organization.

Other provisions say that a judge should not serve as an executor, administrator or trustee, except for the estate or trust of a member of his family, and then only if it will not interfere with his judicial duties.

The political activities of a judge are limited to seeking reelection to judicial office, according to another provision, and the judge is instructed not to make political contributions except where permitted by law.

"It is to be hoped," this provision comments, "that, with the elimination of partisan election of judges, which many

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A Stiffer Code of Ethics Drafted By Bar for the Nation's Judges

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favor, the practice under which some judges are expected to make political contributions will also disappear."

Judges are also implored to uphold the integrity and independence of the judiciary, conduct proceedings with dignity and courtesy, administer the courts efficiently and always remain impartial.

Two Years of Work

The revised canons, which resulted from two years of work by the special committee, will be subjected to further suggestions before being submitted for adoption at the annual meeting of the American Bar Association in San Francisco next year.

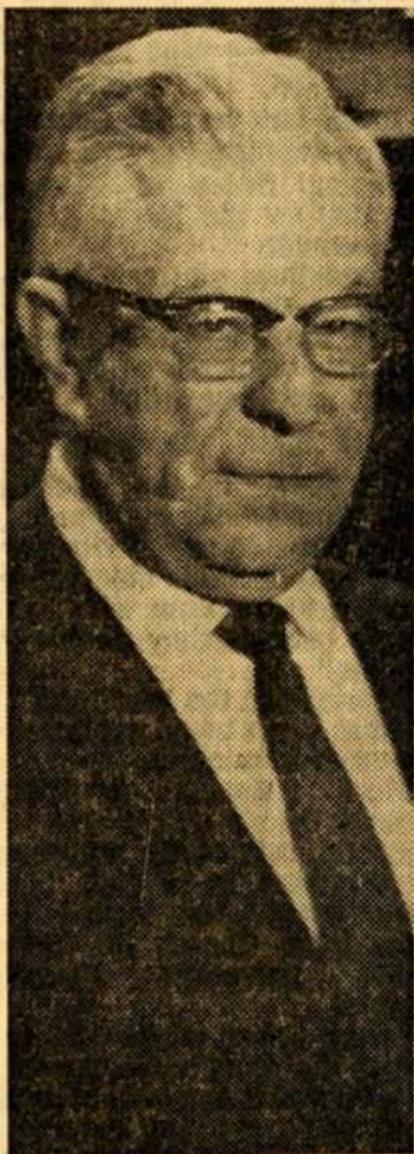
The association will then request the Judicial Conference of the United States and the authorities in all states to adopt the revised canons as the standards of conduct for the nation's judges.

For their enforcement, the canons rely heavily on their moral weight to influence judges, leaving any disciplinary measures to the state authorities and professional groups.

Edward L. Wright, the bar association's president, called the drafted canons "an important contribution to preserving the prestige of the courts and maintaining this country's heritage of judicial independence and integrity."

"The public's confidence has been shaken in recent years by occasional widely publicized examples of questionable conduct," he said. "The public is entitled to know that judges respect and conform to higher standards."

Former Chief Justice Roger J. Traynor of the California



Associated Press

Former Chief Justice Roger J. Traynor of the California Supreme Court headed the draft committee.

Supreme Court headed the 11-member draft committee, which included Associate Justice Potter Stewart of the United States Supreme Court.

The committee's draft of seven basic canons compressed and modernized the existing 36 canons drafted by an A.B.A. committee headed by Chief Justice William Howard Taft almost half a century ago.