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# JUDICIAL CONDUCT REPORTER

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## Use of the Prestige of Office to Benefit Family Members

by Cynthia Gray

If an individual with a judge in the family gets in trouble—a traffic ticket or a dispute with a neighbor, for example—it is natural for the relative to turn to the judge for help in dealing with the legal system. And it is natural for the judge to want to help. However, if the judge assists by using power or influence the judge has only by virtue of holding a judicial office, the judge violates the code of judicial conduct. Judges as family members

get in trouble if they sit as a judge in a family member's case or ask favors from police officers, prosecutors, and other judges on behalf of a family member.

A judge may not sit as a judge in a family member's criminal case even if the judge does not treat the relative more favorably than other defendants facing similar charges.

The handling by a judge of a case to which a family member is a party creates

an appearance of impropriety as well as a very obvious potential for abuse, and threatens to undermine the public's confidence in the impartiality of the judiciary. Any involvement by a judge in such cases or any similar suggestion of favoritism to family members has been and will continue to be viewed . . . as serious misconduct.

*In the Matter of Wait*, 490 N.E.2d 502 (New York 1986). (In *Wait*, the judge

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## Controversy and Reform in New Hampshire

by Cynthia Gray

The relationship between maintaining high standards of judicial ethics and preserving judicial independence has been dramatically illustrated in the last two years in New Hampshire. During that time, the unfairness of legislative attacks on the Supreme Court for its decisions became obscured when one justice of the Court resigned under threat of criminal indictment, the conduct of several other justices was investigated by the legislature, and the Chief Justice was impeached by the House of

Representatives, acquitted by the Senate, and admonished by the Committee on Judicial Conduct.

Beginning in 1993, the New Hampshire Supreme Court had drawn harsh criticism from the legislature and the media for a series of decisions requiring the state to develop a plan for funding schools that did not rely on local property taxes. Contributing to the conflict was a 1997 dispute over whether the Supreme Court or the county sheriff should choose court security officers and lingering distrust of

the Court from the failure of its lawyer and judicial discipline committees to stop a part-time judge from embezzling over \$1.8 million from clients in the 1980s. (The judge fled the state after being indicted in 1989 and committed suicide in Las Vegas in 1994). A bill of address was filed in 1999 seeking to remove Chief Justice David Brock, for inter alia, "usurp[ing] legislative and executive authority" and "allow[ing] the court to engage in

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# Disclosure to Law Enforcement Authorities: Exceptions to Confidentiality

by Cynthia Gray

**A**t least 10 states have adopted an exception to the requirement of confidentiality that allows the judicial conduct commission to disclose to law enforcement authorities otherwise confidential information that reveals possible criminal conduct. Disclosure is mandatory in **Arkansas** where the rule provides:

If, during the course of or after an investigation or hearing, the [Judicial Discipline & Disability Commission] reasonably believes that there may have been a violation of criminal law, the commission shall release such information to the appropriate prosecuting attorney.

Disclosure is discretionary, however, in **California, Iowa, Kansas, Missouri, New Hampshire, Pennsylvania, South Carolina, and Wisconsin**. The rule in Missouri emphasizes that, “Nothing in [the rule] compels the Commission [on Retirement, Removal and Discipline] to make confidential records available without a subpoena or court order if the Commission chooses not to exercise the discretion granted . . . to make those confidential records available.” Similarly, the rule for Wisconsin states that the referral of information to law enforcement authorities is “in [the Judicial Commission’s] sole discretion.” The rule in Wisconsin also allows the commission to “cooperat[e] with a law enforcement authority in matters of mutual interest.”

The rule for the California Commission on Judicial Performance provides:

The commission may release to prosecuting authorities at any time information which reveals possible criminal conduct by the judge or former judge or by any other individual or entity.

Similarly, the rule in South Carolina allows the Commission on Judicial

Conduct to disclose “reliable information indicating that a person has violated the criminal laws of this State, any other state, the District of Columbia, or the United States.” In contrast, the rules for Georgia and Kansas only provide that confidentiality does not apply to any information that the commission considers relevant to any current or future criminal prosecution “against the judge.” The rules in Iowa, Missouri, New Hampshire, Pennsylvania, and Wisconsin allow for the release of any information regarding possible criminal violations without indicating whether the information must relate to the judge or may relate to others.

The rule for the Georgia Commission on Judicial Qualifications specifically provides that “upon receipt of a duly issued subpoena or court order by any state or federal court of record, the Commission is authorized to comply with the same to the extent required by such subpoena or court order.” A federal court has held that a state’s legitimate interest in preserving the confidentiality of judicial discipline records would not be significantly impacted by disclosure to a grand jury because the proceedings before a federal grand jury are confidential even if an indictment is brought. *In the Matter of Application of the United States*, 936 F. Supp. 357 (E. D. of Louisiana 1996). Therefore, the court ordered the Louisiana Judiciary Commission to comply with a federal grand jury subpoena for confidential Commission records after the United States Attorney had provided information, in camera and under seal, regarding the nature of the grand jury investigation and the relevance of the Commission’s investigation.

The California commission has a rule that addresses disclosure of information relating to possible criminal conduct if a judge retires or resigns from judicial office after a complaint is filed with the commission. Under those circumstances:

[A]t the time of closing the complaint, investigation or other proceeding, the commission may, in the interest of justice or to maintain public confidence in the administration of justice, release information concerning the complaint, investigation and proceedings . . . to prosecutorial agencies . . . , provided that the commission has completed a preliminary investigation.

At least five states have adopted an exception to the requirement of confidentiality that allows the judicial conduct commission to disclose confidential information in order to protect an individual, the public, or the administration of justice. The exception in **California** is triggered “when the commission receives information concerning a threat to the safety of any person or persons,” and disclosure is allowed “to the person threatened, to persons or organizations responsible for the safety of the person threatened, and to law enforcement and/or any appropriate prosecutorial agency.” In **Indiana, Minnesota, and Washington**, the commission may notify a person or agency “to protect the public or the administration of justice.” The rule in **South Carolina** covers both situations and allows the commission to “notify another person to protect that person or to notify a government agency in order to protect the public or the administration of justice.” 

*This article was written as part of a continuing project to study confidentiality in state judicial discipline systems funded by Good Samaritan Inc.*

# Fact-finders in State Judicial Discipline Proceedings

Unless discipline is pursuant to an agreement or the judge resigns, a hearing is held after formal charges are filed in judicial discipline proceedings. Who conducts the hearing and takes the evidence varies from state-to-state. The alternatives used by the state commissions are explained below. Note that the article describes which options are available in a state, not which method the commission chooses to use in most cases, and the exact procedures may vary even among the states that have similar options.

In 16 jurisdictions, the hearing is conducted before the entire commission (or at least a quorum). Those 16 are: **Connecticut, the District of Columbia, Hawaii, Iowa, Kentucky, Louisiana, Maine, Maryland, Missouri, Nevada, New Hampshire, New Jersey, North Carolina, Rhode Island, South Dakota, and Virginia.**

In three states, the hearing is always before a master or masters appointed solely for that purpose. The masters then file for the commission's review a report containing non-binding findings of fact and conclusions of law. In **Indiana**, the supreme court appoints three masters. In **Massachusetts**, the supreme judicial court appoints a hearing officer. In **Minnesota**, a three-member panel is appointed by the chief justice of the supreme court; two members are retired judges "whenever possible" or judges or lawyers, and one member is a citizen who is not a judge, retired judge, or lawyer.

In 12 states, the commissions have the option of choosing that the hearing be held before the entire commission or before a master or masters appointed for that purpose. In **Alaska**, the commission may appoint one master but is cautioned to do so "only in compelling and extraordinary situa-

tions as determined by the Commission." In **New Mexico** and **Utah**, the commissions appoint three masters. In **California, Colorado, Georgia, Idaho, Michigan, Montana, Nebraska, Oregon, and Texas**, the supreme courts, at the request of the commissions, make the appointment. (One master is appointed in Georgia, Michigan, Montana, Oregon, and Texas; one or more in Nebraska; and three in California, Colorado, and Idaho.) In California, the commission also has the option, with the consent of the judge, of requesting that the court appoint one master.

In one state (**Vermont**), the hearing is held before a panel of three commission members, which submits a non-binding report to the entire commission for review. In one state (**Arkansas**), the hearing may be held before the entire commission or before a panel of three commission members appointed by the chair of the commission.

In five states, the commissions choose between three options: conducting the hearing before the entire commission, before a master or masters, or before a panel of commission members. In **Arizona**, if the commission chooses, the chair appoints a panel of three commission members or a master who is not a member of the commission. In **Mississippi** and **Washington**, if the hearing is not conducted before the entire commission, it is held before a sub-committee of the commission or a master appointed by the commission. In **New York**, the commission may delegate taking evidence to three of its members (one of whom must be a member of the bar) or designate as a referee "a member of the bar who is not a judge or a member of the commission or its staff." In **North Dakota**, the commission orders that the hearing be held before it

or one or more of its members or requests the supreme court to appoint a master or masters.

In five states, the commissions are divided into two panels. The investigative panel decides whether formal charges should be filed; the hearing is held before the second panel, which files findings of fact, conclusions of law, and recommendations directly with the supreme court. No member who sat on the investigative panel that decided to file formal charges against a judge may sit on the hearing panel. The five two-panel states are **Florida, Kansas, South Carolina, Tennessee, and Wyoming.** For example, in Kansas, the 14-member Commission on Judicial Qualifications is divided into two seven-member panels. If a panel to which a complaint is assigned for investigation institutes formal charges, the other panel conducts the hearing and makes a recommendation to the supreme court. The use of two panels is based on the *American Bar Association Model Rules for Judicial Disciplinary Enforcement* (1994), although no state has adopted the precise structure suggested by the *Model Rules* and the procedures vary considerably in those five states.

Finally, eight states have what is often referred to as a two-tiered system. In those states, complaints against judges are investigated by one body, which decides whether to file formal charges; the formal charges are heard and decided by a second body that has a different name and different membership. There are eight two-tier states—**Alabama, Delaware, Illinois, Ohio, Oklahoma, Pennsylvania, West Virginia, and Wisconsin.** In all states but Illinois and Oklahoma, the decision by the second tier may be reviewed by the supreme court. 

## Use of the Prestige of Office to Benefit Family Members *(continued from page 1)*

was removed for disposing of speeding tickets issued to his nephew and his wife's niece by reducing each charge to an equipment violation and for accepting guilty pleas by four different first cousins of his wife.)

There is no "situation more fraught with the threat of partiality as where a judge's child faces criminal charges subject to the authority of the judge's court." *In the Matter of Van Rider*, 715 N.E.2d 402 (Indiana 1999). The Indiana Supreme Court acknowledged that a judge whose child is arrested may have concerns that the child's safety during incarceration would be threatened because his or her parent was a judge. However, the court concluded, such concerns do not excuse violations of the code. In *Van Rider*, the court reprimanded the judge for failing to disqualify from a criminal proceeding against his son and ordering his son's release from jail following his arrest for drug possession.

A judge may not issue warrants against a family member, conduct a bond hearing, take a family member's guilty or not guilty plea, dismiss a family member's case, issue an order of protection against a family member, conduct the trial, or sentence a family member. There are numerous cases in which judges have been disciplined for making rulings in a family member's criminal case. For example, a judge was reprimanded for hearing the probable cause evidence after a petition was filed against the judge's grandson by the mother of the grandson's girlfriend; the judge also signed the arrest warrant for her grandson and conducted his bond hearing. The judge disclosed the family relationship to the girlfriend and the police officer involved, but did not get a waiver. *In the Matter of Johnson*, 532 S.E.2d 883 (South Carolina 2000).

A judge also misuses the power or prestige of the judicial office if he or she presides in a civil case in which a relative is the person asking for damages or presides in a criminal case in which a relative is the victim or complaining witness. For example, a judge issued an arrest warrant pertaining to a dishonored check given to her husband. Subsequently, the judge presided over the defendant's arraignment, committed the defendant to jail in lieu of bail, failed to appoint counsel, and refused the advice of the district attorney and another judge that she disqualify herself. The judge was removed for this and other misconduct. *In the Matter of Tyler*, 553 N.E.2d 1316 (New York 1990). In *In re Jenkins*, 419 P.2d 618 (Oregon 1966), a judge was disciplined for (1) signing a default judgment in favor of his wife for a claim for legal services performed and (2) sentencing two defendants who were charged with stealing property belonging to the estate of his father-in-law and of which estate his wife was administratrix.

### Asking for favors from police officers, prosecutors, and other judges

If a family member receives a traffic ticket or is charged with criminal conduct, a judge should not intervene and ask for special treatment from police officers, prosecutors, or the judge presiding in the case. Thus, a judge should not convince or try to convince police officers to release a relative who has been arrested, should not reproach or threaten a police officer who ticketed a relative, should not ask an arresting officer and prosecutor if they could help the relative, should not ask prosecutors for special consideration, and should

not ask another judge to give a particular sentence to the relative.

For example, a judge asked a magistrate several times to give her step-grandson a suspended sentence for a traffic ticket and engaged in several ex parte communications until the matter was resolved. The judge was suspended without pay for this and other misconduct. *In re Lorona*, 875 P.2d 795 (Arizona 1994). Similarly, after his son-in-law was arrested for public intoxication and possession of a controlled substance, a judge asked the arresting officer and prosecutor if they could help his son-in-law, and the charges were dismissed. The judge was admonished. *In the Matter of Rice*, 489 S.E.2d 783 (West Virginia 1997).

Moreover, a judge should be aware that a telephone call about a family member's case, even if innocently undertaken, may be assumed to be an implied request for a favor and result in preferential treatment for the family member. Therefore, even if the judge does not expressly request a favor, a judge should not make inquiries into a case in which the defendant is a relative. For example, a judge called the police department about the judge's brother's speeding ticket and expressed surprise that the officer did not recognize that the person he had given the ticket to was the judge's brother. After the call, the officer threw the ticket away. The judge was suspended. *In re Snow*, 674 A.2d 573 (New Hampshire 1996). 

*This article is adapted from a new AJS publication "An Ethics Guide for Judges and Their Families," developed under a grant from the State Justice Institute. For more information, see the back page.*

## Controversy and Reform in New Hampshire *(continued from page 1)*

policy-making that should be off-limits to the courts.” The bill failed to make it past a legislative committee.

Unfortunately, subsequent conduct of the Supreme Court justices, not related to decision making, provided its critics with a more effective pretense for attack. Justice Stephen Thayer was involved in a contentious divorce, and when an issue in the case reached the Supreme Court, all the justices recused themselves. After Thayer learned that Chief Justice Brock planned to appoint Judge George Pappagianis to the temporary panel that would hear his case, he protested, and the Chief Justice allegedly attempted to remove Pappagianis from the panel. However, Pappagianis had already been notified by Supreme Court Clerk Howard Zibel of his appointment.

Zibel filed a memo with the Committee on Judicial Conduct about Thayer’s attempt to influence the decision to appoint Pappagianis. At the direction of Chief Justice Brock, the memo was delivered to the attorney general, who began a grand jury investigation. In March 2000, Thayer resigned pursuant to an agreement with the attorney general’s office.

The investigation of Thayer revealed that the Supreme Court had a long-standing practice of allowing justices to comment on cases from which they were disqualified. The justices represented that the comments were non-substantive and made to improve the final product.

Following a three-month investigation, on July 12, 2000, the House of Representatives voted to impeach Chief Justice Brock. The four articles of impeachment charged that Brock:

- Oversaw a practice allowing recused and disqualified justices to receive draft opinions, attend con-

ferences on the cases, and comment on and influence rulings.

- Discussed with Thayer who would serve as substitute justices on the appeal of Thayer’s divorce case.
- Telephoned a lower court judge in 1987 to check the status of a case involving a company owned by the then-state senate majority leader.
- Lied under oath to the House’s Judiciary Committee when he denied making the call.

The House defeated attempts to impeach two other justices.

On October 10, after three weeks of hearings, the Senate voted to acquit Brock of all of the charges. With 15 votes needed to convict (two-thirds of the 22 participating senators), the closest vote was 14-8 in favor of acquittal on the charge relating to the practice of justices commenting on cases from which they were recused.

The monetary cost of the impeachment to the state is estimated to be approximately \$1 million. Brock and the two justices who were investigated but not impeached have filed suit contending that state law requires the state to pay their legal bills, which are estimated to be \$2 million.

### **New rules**

Even before the impeachment proceedings, the New Hampshire Supreme Court had taken steps to address some of the weaknesses in standards and procedures that had led to the criticisms. To prevent a recurrence of incidents in which justices participated in cases from which they were disqualified, the Court adopted a policy to establish the effect of recusal from a case. The policy provides, among other things:

- “The clerk’s office will not distribute the briefs or other materials to any judge who has recused him/herself from a case.”
- “A judge who has recused him/herself from a case will leave the room during any discussion of the case before or after oral argument.”
- “Draft opinions will not be distributed to any judge who has recused him/herself from a case.”

The Court also amended the code of judicial conduct to require a judge to obtain written approval from the Chief Justice before entering into a teaching contract. The amendment also provides that a judge who is in compliance with the code provisions requiring a judge to give precedence to judicial duties and to timely and competently dispose of court business “may, in any calendar year, derive income from [teaching] activities not to exceed 15% of the judge’s salary.”

Moreover, the Court adopted new rules that make the judicial discipline process in New Hampshire the most open in the country ([www.state.nh.us/courts/supreme/orders/order0103.htm](http://www.state.nh.us/courts/supreme/orders/order0103.htm)). Under the new rules, the Committee on Judicial Conduct makes available for public inspection all records and materials relating to a complaint filed against a judge, including the complaint itself, the judge’s reply, and the Committee’s action (dismissal, informal resolution, or statement of formal charges).

The rules also make public grievances the Committee does not docket as complaints because, for example, they do not allege facts that if true would establish a violation of the code or they are related to a judge’s rulings.

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## Controversy and Reform in New Hampshire *(continued from page 5)*

No records or materials become available for public inspection until after the judge has been given the opportunity to provide a reply that will be filed in the public record. Work product and internal memoranda do not become part of the public file. The new rules allow the Committee to issue a protective order, at the request of any person or entity or on its own initiative, “prohibiting the disclosure of confidential, malicious, personal, or privileged information or materials submitted in bad faith.”

### Disciplinary actions

The Committee on Judicial Conduct has taken disciplinary against both former Justice Stephen Thayer and Chief Justice David Brock. First, the Supreme Court held that Thayer’s resignation did not divest the Committee of jurisdiction to continue investigating conduct said to have occurred while the former justice was still a member of the Court and did not render the investigation moot. *Petition of Thayer*, 761 A.2d 1052 (2000). The Court stated that to interpret the rules as divesting the Committee of jurisdiction upon the resignation of a judge under investigation would run counter to the manifest purposes of New Hampshire’s system of judicial discipline.

Then, after completing its investigation, the Committee informally resolved several complaints against Thayer. *In re Thayer* (November 21, 2000). With the former justice’s consent, the Committee found that he failed to timely report a loan from an attorney in his public reports for 1996, 1997, and 1998.

The Committee also determined that it was reasonably probable that the former justice’s teaching activities

had interfered with the performance of his judicial duties and that the former justice’s participation in cases from which he was disqualified violated the code of judicial conduct. However, with two dissents, the Committee decided not to proceed to a formal, public hearing on those issues.

The Committee noted the primary objectives of a public hearing had already been accomplished by the “constant stream of information” the public had received from the investigation of Thayer and the Supreme Court by all three branches of government, and, “in terms of public awareness, . . . there is little to be gained by proceeding with yet another hearing of the allegations against Thayer.” The Committee concluded that “With Thayer’s self-removal from the bench, the added benefit to be gained by proceeding with a costly public hearing appeared to the Committee questionable at best.”

On April 20, the Committee informally resolved its investigation of Brock with an admonishment in lieu of a formal hearing, which the Chief Justice accepted. *In re Brock*, Report (April 20, 2001) ([www.state.nh.us/courts/supreme/jcc.htm](http://www.state.nh.us/courts/supreme/jcc.htm)). The issues resolved by the Committee “concerned the administration of the Court by Brock as Chief Justice, and certain conduct involving the Court’s treatment of behavior by former Justice Stephen Thayer.” The Committee found three specific instances in which the Chief Justice’s conduct violated the code. (1) While the Committee was investigating then-justice Thayer, Thayer was present in Supreme Court conferences to discuss proposed changes to the Committee’s rules and commented on the proposed changes, including

referring to his personal experiences. (2) Thayer was present when the Supreme Court discussed the appointment of a temporary Supreme Court panel to hear his divorce case, and after Thayer objected to one of the appointments, the Chief Justice asked the clerk to slow down the process of contacting the proposed temporary justice. (3) Thayer’s extensive teaching schedule at two Boston-area law schools frequently made him unavailable for court business on Mondays and certain other times, and his teaching income nearly equaled his judicial salary.

The Committee found “that the distinctive status accorded to the office of the Chief Justice carries with it an extraordinary responsibility of leadership and accountability, not always satisfied during the recent past.” However, the Committee noted that the legislative investigation “caused a substantial disruption in Chief Justice Brock’s professional and personal life and required him to incur substantial expense, which amounts to a significant financial penalty upon him and his family.”

Throughout the inquiry, Chief Justice Brock was also subjected to public criticism and a sobering assessment of his failures. The fact that the conduct of Chief Justice Brock has already been thoroughly exposed, investigated, and dealt with by the Legislature was a significant factor in the Committee’s decision to terminate its investigation in this matter. Although the Committee has concluded that the conduct requires a public admonishment, and although code violations as severe as those cited here could conceivably justify penalties such as suspension, fines, or more punitive measure that could serve as a deterrent to similar behavior in the future, in light of what has already transpired, the Committee believes such measures will serve no useful purpose.

The Chief Justice issued a press release, which accompanied the Committee's press release, in which he stated:

For personal and institutional reasons, I have decided to accept the resolution of this matter with the Judicial Conduct Committee. The last year has been a very stressful and very difficult one for me, my wife, my family, and the entire judicial branch of government.

The time has come to put this matter behind me so that I can continue to devote my full energy and attention to the critical work of the Court.

Two public members of the Committee dissented, indicating in comments to the press that they believed the Committee should have filed formal charges against the Chief Justice.

Questions have been raised about the process by which the admonishment was reached. One of the dissenting members stated that the Chief Justice's attorney had prepared a draft petition asking the superior court to stop the Committee investigation, and the draft had been distributed to the Committee when it met to decide what action to take against Brock. (The member acknowledges this revelation violates the Committee's confidentiality rules.)

Moreover, two other members of the Supreme Court participated in

the negotiations with the Committee, arguing that formal charges should not be filed against Brock. In response to questions about the appropriateness of their conduct, the committee has granted the request of Associate Justices John Broderick and James Duggan that the Committee determine whether their involvement violated the code of judicial conduct.

### The future

The court also appointed an 18-member committee to study the process for handling complaints against judges, and in January 2001, the Task Force for the Renewal of Judicial Conduct Procedures issued its report. Following the Task Force recommendations, on May 7, the Court created a new Judicial Conduct Commission that, the Court announced, will "be totally independent of the court system" ([www.state.nh.us/courts/supreme/orders/ordr0507.htm](http://www.state.nh.us/courts/supreme/orders/ordr0507.htm)).

In addition to a change in name from "Committee" to "Commission," the number of public members was increased from five to six, which will be a majority of the 11-member commission. The Supreme Court formerly appointed all members; it will now appoint four (three judges and one public member), while the president

of the bar association appoints two attorneys, and the governor, the president of the senate, and the speaker of the house each appoints one public member. The former Committee relied on the Supreme Court for offices, staff, and funding. The new Commission will "select its own office space, which should not be in the facilities of any branch of government," and will appoint an executive secretary and other staff. The Commission will prepare and administer its own budget, and the legislature will appropriate funds for the Commission. The Commission, not as formerly the Supreme Court, will choose its chair and vice-chair.

The court has also established a new Advisory Committee on Judicial Ethics "to provide guidance to judges about compliance with rules of court and statutes relating to the ethical and professional conduct of judges" ([www.state.nh.us/courts/supreme/orders/supr38a.htm](http://www.state.nh.us/courts/supreme/orders/supr38a.htm)).

The Chief Justice's impeachment and acquittal, the Supreme Court's own efforts at reforms, and the discipline of Thayer and Brock have not ended the tensions between the legislature and the courts. So far in 2001, over 50 bills have been introduced in the legislature relating to the courts, some posing a direct challenge to the independence of the judiciary. For example, in May, the House passed a proposed constitutional amendment that would give precedence to laws adopted by the legislature if there was a conflict with a rule adopted by the Supreme Court. Other proposed legislation would replace lifetime tenure of judges with a fixed or renewable term or good behavior. There are also several proposals to remove all authority for judicial discipline from the Supreme Court and transfer it to an independent committee. 

## Judicial Conduct Reporter

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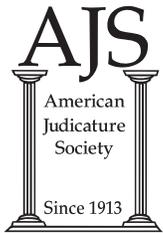
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## JUDICIAL CONDUCT REPORTER



### *An Ethics Guide for Judges & Their Families*

*by Cynthia Gray*



A judge is still a judge in the public's eyes when he or she leaves the courthouse, and a judge is still part of a family when he or she departs from home in the morning. Developed by the American Judicature Society with a grant from the State Justice Institute, *An Ethics Guide for Judges and Their Families* explores the code of judicial conduct restrictions that affect a judge as a member of a family and the guidance the rules give to family members. The *Guide* lists examples of permitted and prohibited conduct in areas such as **misuse of office, hiring or appointing family members, disqualification, acting as an attorney for family members, gifts, financial and fiduciary activities, civic activities, and political conduct.** It also gives practical suggestions on judicial family issues such as stress, benefits and challenges for children, being proponents of the judicial system, and security. A related discussion guide contains materials a judicial spouse or other leader can use to plan a program on ethics and related topics for a meeting of judges and their families.

The *Ethics Guide* is \$25 each plus postage and handling. To order, see [www.ajs.org/ethics14.html](http://www.ajs.org/ethics14.html) or contact 312-357-8821 or [rwilson@ajs.org](mailto:rwilson@ajs.org).