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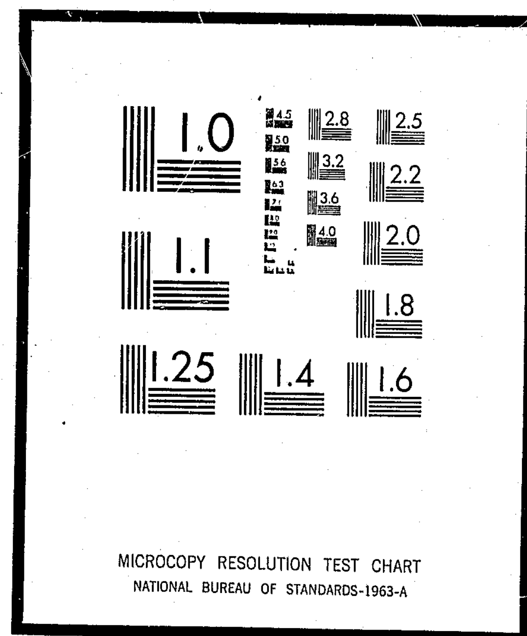

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CANONS OF JUDICIAL ETHICS

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THE ORIGIN AND ADOPTION OF THE AMERICAN BAR ASSOCIATION'S CANONS OF JUDICIAL ETHICS

While all who have taken a course in legal ethics during their law school careers will be familiar with the American Bar Association's Canons of Professional Ethics and the problems which led to their adoption, only a few will be as conversant with that organization's Canons of Judicial Ethics. Indeed, many will be surprised to learn that such a separate set of canons exist, so indifferent has been the response of legal writers to their progress toward nationwide adoption.

Despite the warm reception accorded the Canons of Professional Ethics after their adoption in 1908, resolutions presented at the ABA's 1909[1] and 1917[2] conventions calling for the appointment of a committee to draft a set of judicial canons were quickly forgotten. Many felt such canons were unnecessary; that the real issue was judicial competency rather than honesty. Others believed it was not the proper role of the bar to impose standards on the judiciary, feeling that such canons would more appropriately be developed within the judiciary.

It is likely that matters would have rested in this state of inertia for many more years had it not been for the public admission of a certain federal district court judge that he was supplementing his $7,500 federal salary with $42,500 a year for legal services rendered as national commissioner of the baseball associations. Powerless to bring sanctions against him under the professional ethics canons, delegates attending the 1921 ABA convention could only vote a resolution of censure.[3] Though this was done, it was quickly seen that dealing with each case on such an individual basis was inefficient and ineffective, as well as inequitable. An official expression of the bar's expectations of proper judicial conduct was needed to provide fair warning against future violations of ethical standards.

Goaded into action, the executive board rediscovered the 1909 resolution empowering it to appoint a drafting committee at its discretion. Early in 1922, the selection of a distinguished committee of three justices and two attorneys, with Chief Justice William Howard Taft as chairman, was announced. Working at a number of meetings spread throughout the year, the committee had a rough draft prepared for submission to the public in ample time for publication and commentary before the 1923 convention. Out of courtesy, a resolution was passed at that convention submitting the Canons to the

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[1] 34 Reports of the American Bar Association 88 (1909).

[2] 42 Reports of the American Bar Association 80-83 (1917).

[3] 46 Reports of the American Bar Association 61-67 (1921).

Judicial Section, then headed by Justice Pierce Butler, for additional comments and final approval. With only a slight modification in Canon 13 on kinship or influence, the original thirty-four canons were reported back to the bar association for approval. This was received with minimal discussion at the 1924 convention.[4]

The Judicial Canons had little immediate impact.[5] Though the Georgia State Bar Association adopted the canons at its annual meeting the following year, the next adoption was not until 1928. And this adoption by the State Bar of California was rendered ineffective the following year by a court ruling that since, under the California constitution, judges were prohibited from practicing law, the bar association had no jurisdiction over their conduct. By September 30, 1937, when the association voted to substitute the words "a judge" for the initial word "he" in seventeen of the canons and to add Canon 35 on improper publicizing of court proceedings and Canon 36 on the conduct of court proceedings, only the state bar associations of Georgia, New York, and Oregon had effectively adopted the original code. At the end of World War II, more than twenty years after the ABA's adoption, only twelve states had adopted the canons.

Despite the initially indifferent reception of the Judicial Canons, the same post-war trends which have led to an increasing public interest in reorganizing and reforming the judiciary have led to a greater awareness on the part of judges of the need to set standards for their own conduct before such standards are imposed from without. The resulting interest in self-policing has led to the post-war adoption of the canons by thirty of the country's highest state appellate courts, bringing to thirty-three the total number of adopting courts. With the overlapping adoptions by ten unified and twelve non-unified bar associations, plus four judicial conferences, official recognition has now been given to ABA-inspired codes of judicial ethics in forty-three states.

This leaves only Alabama, Maine, Massachusetts, New Hampshire, North Carolina, Rhode Island, and South Carolina without such codes. Of these, New Hampshire's state bar association and supreme court have already adopted Canon 28 on partisan politics, and Rhode Island's state bar has expressed interest in adopting the entire set.

Most of the forty-three adopting states (excluding New Hampshire) have adopted all thirty-six canons in one ABA-amended form or another, without change. However, a certain degree of dissatisfaction with the ABA provisions is shown in the decision of fifteen states to reword or omit from one to six of the ABA canons in the code they adopted.

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[4] 49 Reports of the American Bar Association 65-71 (1924).

[5] The following data are derived from Brand, Bar Associations, Attorneys and Judges (1956) and Supplement (1959), as brought up to date by a questionnaire sent to the secretaries of the state bar associations of all fifty states with results received between February and April 1968. Additional data from New Mexico, North Dakota, and Wyoming were received in May 1969. The data on individual states are presented in the Appendix of this report.

More substantial disagreement with the ABA wording and organization (in which several provisions overlap) is evidenced in the decision of California, Illinois, Louisiana, Texas, Vermont, and Wisconsin to substantially revise the canons. However, even in these codes the ABA ancestry is revealed in frequently identical phrasing and in similarity of the type of behavior desired. As a result of this dissatisfaction, all canons have been modified by the adopting groups of at least two states. Canons 26 on personal investments and relations, 28 on partisan politics, 31 on private law practice, and 35 on the improper publicizing of court proceedings are the canons most frequently altered by the states, with nine substantial changes having been made in each of these canons. Significantly, the majority of the changes have been in the direction of imposing more stringent standards.

It must be noted that there is a definite tendency for states to be slow in adopting the ABA amendments to the canons. For instance, while twenty-one states have adopted the 1950 amendment of Canon 28, only five of them did so by amendment; eight states adopting the canons after that date chose to ignore the change. Similarly, only eight states have adopted the slightly amended 1963 form of Canon 35, five of these adoptions having been by states adopting the entire set after that date. It appears that future ABA amendments will have little influence, except on any of the seven states without codes which may at some future date adopt the canons in their then existing form.

The effect of this widespread adoption of the American Bar Association's Canons of Judicial Ethics cannot as yet be assessed. It is hoped, however, that the trend is indicative of a growing concern by judges over the need to develop and enforce among themselves high standards of personal behavior, both in public and private life. If so, the spread of the canons forecasts an era of high quality justice and growing public respect for those charged with judicial office.

STATE ADOPTION OF THE ABA JUDICIAL CANONS

The following data, summarized in Table I, are derived from George Brand's Bar Associations, Attorneys and Judges (1956) and 1959 Supplement. This material has been brought up to date through correspondence with the secretaries of the bar associations of the fifty states. Unless otherwise noted, citations are to the amended form of the ABA Canons in effect as of the date of the state's adoption. "Supreme Court" always refers to the highest appellate court of the adopting state.

ALABAMA	Neither the state bar nor the Supreme Court has adopted a code of judicial ethics.
ALASKA	Canons 1-36, as amended by the ABA, were included under the Alaska Rules of Court Procedure and Administration as prepared and promulgated by order of the Supreme Court of the State of Alaska in 1963.
ARIZONA	Canons 1-36, as amended by the ABA, were adopted by Supreme Court Rule 45 on October 1, 1956.
ARKANSAS	Canons 1-36 were adopted by reference in Article XIV of the constitution of the non-unified Bar Association of Arkansas on May 4, 1940. Canon 30 was adopted by the 1959 Legislature as Act Number 5, section 2.
CALIFORNIA	The State Bar of California passed a resolution at its October 13, 1928, meeting adopting the original thirty-four canons. However, the following year it was held in State Bar of California v. Superior Court of Los Angeles (207 Cal. 323) that judges who are prohibited by the state constitution from practicing law, are not subject to the jurisdiction of the state bar. On August 30, 1949, the Conference of California Judges (a voluntary organization comprised of most of the state's trial and appellate judges) adopted the California Canons of Judicial Ethics. These canons are worded identically with ABA Canons 1-5, 9, 10, 14, 17, 21, 23, 27, 29 and 33. ABA Canons 18, 34 and 36 have no counterpart in the California canons. Other provisions have been adopted with substantially modified wording.
COLORADO	Canons 1-36 were adopted by court order on July 30, 1953, following the recommendation of the Board of Governors of the Colorado

COLORADO (cont.)	Bar Association. On July 1, 1965, Canon 35 was replaced by a substantially revised provision stating that permission of the trial judge must be obtained before the photographing and broadcasting of any court proceeding. Further, all defendants then on trial must give their affirmative consent to the particular form of publicity and no witness or juror in attendance under court order or subpoena may be photographed or have his testimony broadcast over his express objection.
CONNECTICUT	ABA Canons 1-36 were approved at a meeting of the board of delegates of the State Bar Association of Connecticut on April 17, 1950. The following June 5, the judges of the Superior Court voted to adopt them. Both groups have adopted the later ABA amendments.
DELAWARE	Rule 33 of the Supreme Court of Delaware adopted Canons 1-36, effective January 1, 1952, along with a recommendation that they also be adopted by the remaining state judges. By Rule 169, the Chancery Court judges followed suit on June 9, 1958. The Supreme Court ruling is merely advisory in its effect on the other judges of the state. Canon 30 forbids judges and justices from running for public office while on the bench. The wording of Canons 13 and 26 has been somewhat modified. The most recent amendments to Canons 28 and 35 have not been adopted.
FLORIDA	Article X of the Integration Rule of the Florida Bar, adopted by the Supreme Court on March 4, 1950 (amended in 1955 and 1958), expressly adopts the Canons of Ethics for Judges as originally promulgated by the Court on January 27, 1941. These are identical with the ABA canons as amended to 1950.
GEORGIA	On June 6, 1925, the non-unified Georgia Bar Association became the first group to adopt the ABA canons. However, the canons were not included in the Rules and Regulations of the succeeding unified bar association. To remedy this, the Georgia Supreme Court adopted Canons 1-36 by order on January 18, 1965.
HAWAII	Article X of the constitution of the Bar Association of Hawaii (adopted August 15, 1939) incorporated by reference the ABA canons "as now existing and hereafter amended." On October 3, 1955, they were adopted by Supreme Court Rule 16 (a).

IDAHO	The State Bar Act of 1947 contains no provision as to judicial ethics. Therefore, the state bar board of commissioners adopted the canons as then in effect by Rule 151. This action received Supreme Court approval on July 5, 1952. The 1952 amendment to Canon 35 was approved by the Court in 1954.
ILLINOIS	The Canons of Judicial Ethics, approved in June 1957 by the Chicago Bar Association and the Illinois Bar Association parallel the ABA canons in a substantially revised form. Only the wording of Canons 1-5, 7, 14, 23, 26, 32, 34 and 35 has been preserved without material change. In June 1964, the Illinois Judicial Conference adopted its own canons. These are identical with all but four of the ISBA canons, the functional equivalents of ABA Canons 28, 30, 31 and 35. Concurrence on the wording has since been reached, with the exception of the deletion of a sentence in the ISBA canon on candidacy for nonjudicial office, requiring that "if a judge becomes a candidate for any judicial office, he should refrain from all conduct which might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy or the success of his party."
INDIANA	The non-integrated Indiana State Bar Association adopted Canons 1-36 on September 16, 1938. All subsequent ABA amendments have been adopted by the association. Executive secretary Newton M. Goudy of the association reports that while the state's Supreme Court has not acted to adopt the canons by order or rule, it has consistently approved the canons by specific reference in cases involving disciplinary action.
IOWA	The non-unified Iowa State Bar Association adopted Canons 1-36 on May 28, 1948. On September 16, 1958, the Supreme Court of Iowa adopted the canons, as amended to that date, by Court Rule 119.
KANSAS	The non-unified Kansas State Bar Association adopted Canons 1-36 in August, 1941. Amendments to Canons 28 and 35 were adopted by the association in April, 1953.
KENTUCKY	Canons 1-36 were recognized by Court of Appeals Rule 3.170, effective July 1, 1953, as persuasive authority in all disciplinary proceedings.

LOUISIANA	The Louisiana Canons of Judicial Ethics were adopted by the Supreme Court on October 13, 1960. Though based on the ABA canons, the twenty-five Louisiana canons differ substantially in form. No provision comparable to ABA Canons 19, 23, 27 or 35 are included. By the same court order, the Supreme Court Committee on Judicial Ethics was established to render advisory opinions on the meaning of the canons.
MAINE	Neither the state bar nor the Supreme Court has adopted a code of judicial ethics.
MARYLAND	The non-unified Maryland State Bar Association, Inc., adopted Canons 1-36 with only negligible changes on June 19, 1953.
MASSACHUSETTS	Neither the state bar nor the Supreme Court has adopted a code of judicial ethics.
MICHIGAN	On January 16, 1947, the Supreme Court of Michigan adopted Canons of Judicial Ethics 1-36. These are largely identical with the ABA canons. However, the wording of Michigan canons 25, 26, 28 and 35 has been substantially revised.
MINNESOTA	The non-integrated Minnesota State Bar Association adopted the ABA canons on June 23, 1950. On March 3, 1966, the Supreme Court adopted the canons in the present ABA form as the proper standard of conduct for all judges of courts of record in the state.
MISSISSIPPI	In 1962, the Mississippi Supreme Court approved the Rules of Judicial Ethics of the Mississippi State Bar. Rules 16, 19, 26 and 36 have been somewhat reworded but are consistent with the ABA canons of the same number. Judicial Rules 28 and 30 have been substantially rewritten in order to comply with existing state law.
MISSOURI	The Missouri Judicial Conference adopted the canons in substantially abbreviated form on June 15, 1951. On December 30, 1965, effective March 1, 1966, the Supreme Court exercised its rule-making power to adopt all 36 canons in the present ABA-amended form, with the exception of slight changes made in the wording of Canons 23 and 31.

MONTANA	Canons 1-36 were adopted by Supreme Court Rule on May 1, 1963. Montana Canon 28 is in the 1933 ABA form and the third paragraph of ABA Canon 31 is omitted.
NEBRASKA	Article X of the articles of association of the unified Nebraska State Bar Association, adopted March 24, 1951, contains a provision incorporating ABA Canons 1-36. However, the 1950 amendment of Canon 28 and the 1952 and 1963 amendments to Canon 35 have not been adopted by the association.
NEVADA	The unified State Bar of Nevada adopted Canons 1-36 verbatim on September 15, 1965.
NEW HAMPSHIRE	Canon 28 was adopted by the non-unified New Hampshire Bar Association at its annual meeting June 28, 1963. Subsequent motions to adopt the remaining canons were defeated. On May 15, 1964, the justices of the Supreme and Superior Courts unanimously adopted the canon with a recommendation that the lower court judges do likewise. To date, no other canons have been adopted in the state.
NEW JERSEY	The Supreme Court adopted the canons on September 15, 1948, as subsequently revised and now contained in Rule 1:25. Canon 28 is retained in the 1933 form while Canon 35 differs substantially from the ABA's.
NEW MEXICO	The State Bar of New Mexico adopted the canons, with the exception of Canon 35, on June 4, 1941. Current bar rules adopted September 16, 1961 contain the 1941 adopted rules. On February 25, 1969, the Supreme Court adopted Rule 31, which incorporates the 35 canons. Canons 19 and 26 omit some of the ABA provisions; and Canons 23, 27, and 31, while substantially similar to the ABA forms, are worded differently.
NEW YORK	The 36 canons were adopted by resolution of the non-unified New York State Bar Association at its annual meeting in 1930. The ABA's 1937 amendments were adopted on January 22, 1938, and the 1952 ABA amendment to Canon 28 was adopted on January 25, 1963. A slight change appears in the wording of the first sentence of New York Canon 31.

NORTH CAROLINA	Neither the state bar nor the Supreme Court has adopted the canons.
NORTH DAKOTA	The state judicial council adopted Canons 1-36 on September 25, 1953, with alterations in Canons 11, 19, 32, and 35. Canon 28 is in the 1933 form; and Canon 35, in an altered version of the 1937 form, allows photography by permission of the court. The canons have been neither promulgated by court order nor ratified by the state bar.
OHIO	The Supreme Court of Ohio adopted Canons 1-36 on January 27, 1954. These canons are largely identical with the ABA's. However, substantial alterations in and omissions from Canons 26, 27, and 35 appear in the Ohio code. The wording of Canon 25 and the 1952 amendment of Canon 28 is slightly modified.
OKLAHOMA	Following recommendations by the unified Oklahoma Bar Association in 1952, 1954, and 1957, and a formal application recommending adoption filed in 1958, the Supreme Court of Oklahoma acted to adopt the canons on September 30, 1959. The Oklahoma canons are identical with the ABA's, with the exception of Canon 35 which has been altered to allow photographing and broadcasting during recesses under court supervision.
OREGON	The canons were adopted by the Oregon State Bar on September 28, 1935. As approved and adopted by the Supreme Court on November 17, 1952, they are identical with the ABA's, except for the omission of Canon 27. However, Canons 28 and 30 are in the unamended 1924 form and Canon 35 is in the 1937 form.
PENNSYLVANIA	The non-unified Pennsylvania Bar Association adopted Canons 1-36 on January 8, 1949, subsequently adopting all ABA amendments. However, the Pennsylvania version makes a slight addition further restricting the making of political speeches and adds explanatory footnotes to Canons 25 and 28. The Pennsylvania Supreme Court adopted them in this form on February 11, 1965.
RHODE ISLAND	Neither the Supreme Court nor the state bar has adopted the canons.

SOUTH CAROLINA	Neither the Supreme Court nor the state bar has adopted the canons.
SOUTH DAKOTA	On September 4, 1942, the State Bar of South Dakota adopted Judicial Canons 1-36. This action was approved by the Supreme Court on October 8, 1942. No amendments have since been adopted.
TENNESSEE	Canons 1-36, as amended, were adopted by Rule 38 of the Supreme Court and Rule 31 of the Court of Appeals on August 31, 1948. Subsequent ABA amendments have not been adopted.
TEXAS	The judicial section of the unified State Bar of Texas approved the canons in modified form on September 27, 1963, effective the following January 1. The wording of these canons is on the whole identical with that of the ABA's. Substantial sections have been omitted from Canons 9, 19, 25, 26, 28, 29, 30 and 36. Also, the 36 ABA canons have been combined into 29 Texas canons. Canon 35 has been somewhat reworded and includes a listing of specifically prohibited activities. Lesser changes appear in the wording of Canons 14 and 15. It should be noted that these canons presently have merely advisory effect and have not been adopted by the association as a whole.
UTAH	Canon 28 was adopted at the annual meeting of the Utah State Bar in December, 1936. Despite a 1940 recommendation by the board of commissioners that the remaining canons be adopted, this did not occur until June 15, 1951. Three days later the Supreme Court approved the canons. These canons are identical with the ABA's 1937 canons except that only the last paragraph of Canon 26 has been adopted.
VERMONT	On December 13, 1965, the Supreme Court of Vermont promulgated a code of judicial ethics enforceable against all judges serving on the Supreme, Superior and District Courts of the state. Though the code's roots in the ABA canons appear in occasion identical phrasing, the wording and organization of the Vermont canons is on the whole quite different. Provisions functionally equivalent to all ABA canons, with the exception of 1, 2, 6, 8, 11, 18-21, 23, 26, 27 and 34 are included.
VIRGINIA	The canons were adopted by order of the Supreme Court of Appeals on October 21, 1938. However, no subsequent amendments have been adopted. Virginia Canon 7 substitutes the word

VIRGINIA (cont.)	"official" for the word "judicial"; Canon 31 varies substantially; Canon 36 has been modified to allow for trial court discretion in administering the oath to witnesses en bloc.
WASHINGTON	Effective January 2, 1951, the Supreme Court of Washington adopted Canons 1-36 as amended prior to 1950. Washington Canon 31 on private law practice omits the first two paragraphs of the ABA canon.
WEST VIRGINIA	Canons 1-36 were adopted by rule of the Supreme Court of Appeals on March 27, 1947. The 1952 amendment of Judicial Canon 35 was adopted by the court on February 25, 1955.
WISCONSIN	The former voluntary bar of Wisconsin adopted the canons on June 22, 1938, but they were not reaffirmed when the bar was unified in 1956. To remedy this, the Supreme Court promulgated a code of judicial ethics, effective January 1, 1968. Though basing its code on the ABA's canons, the court divided its provisions into 16 standards describing important qualities of the ideal judge and 16 rules stating the requirements of judicial conduct meriting official sanction if not followed.
WYOMING	On June 27, 1966, Canons 1-36 in the present ABA form were adopted verbatim by order of the Supreme Court of Wyoming.

ADOPTION OF THE ABA CANONS BY CANON AND STATE

	1-5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Alabama																					
Alaska	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Arizona	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Arkansas	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
California	x	P	P	P	x	x	P	P	S	x	P	P	x		P	P	P	S	x	P	P
Colorado	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Connecticut	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Delaware	x	x	x	x	x	x	x	x	M	x	x	x	x	x	x	x	x	x	x	x	x
Florida	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Georgia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Hawaii	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Idaho	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Illinois	x	S	M	S	P	S	S	P	P	M	S	P	P	P	P	P	P	P	M	M	S
Indiana	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Iowa	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Kansas	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Kentucky	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Louisiana	P	P	S	S	x	M	P	P	P	x	P	P	P	P		M	S	S		S	M
Maine																					
Maryland	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Massachusetts																					
Michigan	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	S
Minnesota	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Mississippi	x	S	x	[illegible]	x	x	x	x	x	x	x	x	x	x	S	x	x	x	x	x	x
Missouri	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	M	x	x

x - verbatim

P - Provision parallels the ABA's; substantially rewritten with changed meaning or omission of important sub-provisions

S - Substantial alteration in wording, but provision is consistent with the ABA Canon

M - Very minor change in wording, not affecting meaning

	26	27	28 '24	28 '33	28 '50	29	30 '24	30 '33	31	32	33	34	35 '37	35 '52	35 '63	36	Adoption By: Court Order	Adoption By: Unified Bar	Adoption By: Non-unified Bar	Adoption By: Judicial Conference
Alabama																				
Alaska	x	x			x	x		x	x	x	x	x		x		x	1963			
Arizona	x	x			x	x		x	x	x	x	x		x		x	1956			
Arkansas	x	x		x		x		x	x	x	x	x	x			x			1940	
California	P	x			S	x		P	S	x	x			P					1928	1949
Colorado	x	x			x	x		x	x	x	x	x		S		x	1953			
Connecticut	x	x		x	x	x	x	x	x	x	x	x	x	x		x	1950		1950	
Delaware	S	x		x		x		P	x	x	x	x	x			x	1952			
Florida	x	x		x		x		x	x	x	x	x		x		x	1941	1950		
Georgia	x	x			x	x		x	x	x	x	x			x	x	1965		1925 (Lapsed)	
Hawaii	x	x			x	x		x	x	x	x	x		x		x	1955	1939		
Idaho	x	x			x	x		x	x	x	x	x	x	x		x	1952	1951		
Illinois	P	M			P	P		P	P	M	P			x	x	S			1957	1964
Indiana	x	x		x	x	x		x	x	x	x	x		x	x	x			1938	
Iowa	x	x		x	x	x		x	x	x	x	x		x		x	1958		1948	
Kansas	x	x		x		x		x	x	x	x	x	x	x		x			1941	
Kentucky	x	x			x	x		x	x	x	x	x		x		x	1953			
Louisiana	P				x	P		M	P	P	x	x		P		x	1960			
Maine																				
Maryland	x	x			x	x		x	x	x	x	x		x		x			1953	
Massachusetts																				
Michigan	P	x			S	x		x	S	x	x	x		x		x	1947			
Minnesota	x	x			x	x		x	x	x	x	x			x	x	1966		1950	
Mississippi	S	x			P	x		P	x	x	x	x		x		S	1962			
Missouri	x	x			x	x		x	S	x	x	x			x	x	1966			1951

	1-5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Montana	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Nebraska	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Nevada	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
New Hampshire																					
New Jersey	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
New Mexico	x	x	x	x	x	x	x	x	x	x	x	x	x	x	P	x	x	x	M	x	x
New York	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
North Carolina																					
North Dakota	x	x	x	x	x	x	M	x	x	x	x	x	x	x	P	x	x	x	x	x	x
Ohio	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	M
Oklahoma	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Oregon	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Pennsylvania	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Rhode Island																					
South Carolina																					
South Dakota	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tennessee	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Texas	x	x	M	x	P	x	x	x	x	M	M	x	x	x	P	x	x	x	x	x	S
Utah	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Vermont	P		P		P	P		P	P	P	P	P	P					P		P	P
Virginia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Washington	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	M	x	x	x
West Virginia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Wisconsin	P	P	P	P	P	P	x	P	P		P	P	P	P	P	S	P	P	P	P	P
Wyoming	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

	26	27	28			29	30		31	32	33	34	35			36	Adoption By:			
			'24	'33	'50		'24	'33					'37	'52	'63		Court Order	Unified Bar	Non-unified Bar	Judicial Conference
Montana	x	x	x			x		x	S	x	x	x			x	x	1963			
Nebraska	x	x		x		x		x	x	x	x	x	x	x		x		1951		
Nevada	x	x			x	x		x	x	x	x	x			x	x		1965		
New Hampshire					x												1964		1963	
New Jersey	x	x		x		x		x	x	x	x	x		P		x	1948			
New Mexico	P	M		x	x	x		x	S	x	x	x				x	1969	1941		
New York	x	x		x	x	x		x	x	x	x	x	x			x			1930	
North Carolina																				
North Dakota	x	x		x		x		x	x	S	x	x	S			x				1953
Ohio	P	P			M	x		x	x	x	x	x		P		x	1954			
Oklahoma	x	x			x	x		x	x	x	x	x		P		x	1959			
Oregon	x		x			x	x		x	x	x	x	x			x	1952	1935		
Pennsylvania	x	x			M	x		x	x	x	x	M	x	x		x	1965		1949	
Rhode Island																				
South Carolina																				
South Dakota	x	x		x		x		x	x	x	x	x	x			x	1942	1942		
Tennessee	x	x			x	x		x	x	x	x	x		x		x	1948			
Texas	P	x			P	P	P		S	S	x	x			P	M		1963*		
Utah	P	x		x		x		x	x	x	x	x	x			x	1951	1951		
Vermont					P	P	P		P	P	P		P			P	1965			
Virginia	x	x		x		x		x	x	x	x	x	x			x	1938			
Washington	x	x		x		x		x	S	x	x	x	x			x	1951			
West Virginia	x	x		x		x		x	x	x	x	x	x	x		x	1947			
Wisconsin	P	P	P			P		P	P	P					P	P	1968			
Wyoming	x	x			x	x		x	x	x	x	x			x	x	1966			

*Advisory only

ADOPTION TIMETABLE

The forty-four states which have adopted judicial codes (including New Hampshire, which has only adopted Canon 28) are listed in the following table in the order in which they joined the ranks of those adhering to the ABA Canons of Judicial Ethics. Note that the thirty-three states whose supreme courts have adopted judicial codes are listed in both columns. Letters in parentheses signify the initial adopting group: "U" for unified bar; "N" for non-unified bar; "S" for supreme court; and "J" for judicial conference or council.

YEAR	FIRST RECOGNITION BY COURT OR BAR	ADOPTION BY COURT ORDER OR RULE
1925	1. Georgia (N)	
1928	2. California (N)	
1930	3. New York (N)	
1935	4. Oregon (U)	
1938	5. Indiana (N) 6. Virginia (S)	1. Virginia
1939	7. Hawaii (U) 8. Wisconsin (N)	
1940	9. Arkansas (N)	
1941	10. Florida (S) 11. New Mexico (U) 12. Kansas (N)	2. Florida
1942	13. South Dakota (U)	3. South Dakota
1947	14. Michigan (S) 15. West Virginia (S)	4. Michigan 5. West Virginia
1948	16. Iowa (N) 17. Tennessee (S) 18. New Jersey (S)	6. Tennessee 7. New Jersey
1949	19. Pennsylvania (N)	

YEAR	FIRST RECOGNITION BY COURT OR BAR	ADOPTION BY COURT ORDER OR RULE
1950	20. Connecticut (N) 21. Minnesota (N)	8. Connecticut
1951	22. Washington (S) 23. Nebraska (U) 24. Missouri (J) 25. Utah (U)	9. Washington 10. Utah
1952	26. Delaware (S) 27. Idaho (U)	11. Delaware 12. Idaho 13. Oregon
1953	28. Maryland (N) 29. Kentucky (S) 30. Colorado (S) 31. North Dakota (J)	14. Kentucky 15. Colorado
1954	32. Ohio (S)	16. Ohio
1955		17. Hawaii
1956	33. Arizona (S)	18. Arizona
1957	34. Illinois (N)	
1958		19. Iowa
1959	35. Oklahoma (S)	20. Oklahoma
1960	36. Louisiana (S)	21. Louisiana
1962	37. Mississippi (S)	22. Mississippi
1963	38. Alaska (S) 39. Montana (S) 40. New Hampshire (#28) (N) 41. Texas (U)	23. Alaska 24. Montana
1964		25. New Hampshire
1965	42. Nevada (U) 43. Vermont (S)	26. Georgia 27. Pennsylvania 28, Vermont
1966	44. Wyoming (S)	29. Minnesota 30. Missouri 31. Wyoming
1968		32. Wisconsin
1969		33. New Mexico

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APPENDIX

(Reprinted through the courtesy of Martindale-Hubbell, Inc.)

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"Craft is the vice, not the spirit, of the profession. Trick is professional prostitution. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity can do more in the profession than the subtlest and wiliest devices. The power of integrity is the rule; the power of fraud is the exception. Emulation and zeal lead lawyers astray; but the general law of the profession is duty, not success. In it, as elsewhere, in human life, the judgment of success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is equally true of the Bench and of the Bar."

—*EDWARD G. RYAN*

CANONS OF JUDICIAL ETHICS *

Ancient Precedents.

"And I charged your judges at that time, saying Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him.

"Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's; and the cause that is too hard for you, bring it unto me, and I will hear it."—*Deuteronomy*, I, 16-17.

"Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous."—*Deuteronomy*, XVI, 19.

"We will not make any justiciaries, constables, sheriffs or bailiffs, but from those who understand the law of the realm and are well disposed to observe it."—*Magna Charta*, XLV.

"Judges ought to remember that their office is *jus dicere* not *jus dare*; to interpret law, and not to make law, or give law." . . .

"Judges ought to be more learned than witty; more reverend than plausible; and more advised than confident. Above all things, integrity is their portion and proper virtue." . . .

"Patience and gravity of hearing is an essential part of justice; and an over speaking judge is no well-tuned cymbal. It is no grace to a judge first to find that which he might have heard in due time from the Bar, or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions though pertinent."

"The place of justice is a hallowed place; and therefore not only the Bench, but the foot pace and precincts and purprise thereof ought to be preserved without scandal and corruption." . . . —*Bacon's Essay "Of Judicature."*

Preamble.

In addition to the Canons for Professional Conduct of Lawyers which it has formulated and adopted, the American Bar Association, mindful that the character and conduct of a judge should never be objects of indifference, and that declared ethical standards tend to become habits of life, deems it desirable to set forth its views respecting those principles which should govern the personal practice of members of the judiciary in the administration of their office. The Association accordingly adopts the following Canons, the spirit of which it suggests as a proper guide and reminder for judges, and as indicating what the people have a right to expect from them.

1. Relations of the Judiciary.

The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants, the litigants before him, the principles of law, the practitioners of law in his court, and the witnesses, jurors and attendants who aid him in the administration of its functions.

2. The Public Interest.

Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can, to make it useful to litigants and to the community. He should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

3. Constitutional Obligations.

It is the duty of all judges in the United States to support the federal Constitution and that of the state whose laws they administer; in so doing, they should fearlessly observe and apply fundamental limitations and guarantees.

4. Avoidance of Impropriety.

A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

5. Essential Conduct.

A judge should be temperate, attentive, patient, impartial, and, since he is to administer the law and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring to ascertain the facts.

6. Industry.

A judge should exhibit an industry and application commensurate with the duties imposed upon him.

7. Promptness.

A judge should be prompt in the performance of his judicial duties, recognizing that the time of litigants, jurors and attorneys is of value and that habitual lack of punctuality on his part justifies dissatisfaction with the administration of the business of the court.

8. Court Organization.

A judge should organize the court with a view to the prompt and convenient dispatch of its business and he should not tolerate abuses and neglect by clerks, and other assistants who are sometimes prone to presume too much upon his good natured acquiescence by reason of friendly association with him.

It is desirable too, where the judicial system permits, that he should cooperate with other judges of the same court, and in other courts, as members of a single judicial system, to promote the more satisfactory administration of justice.

9. Consideration for Jurors and Others.

A judge should be considerate of jurors, witnesses and others in attendance upon the court.

10. Courtesy and Civility.

A judge should be courteous to counsel, especially to those who are young and inexperienced, and also to all others appearing or concerned in the administration of justice in the court.

He should also require, and, so far as his power extends, enforce on the part of clerks, court officers and counsel civility and courtesy to the court and to jurors, witnesses, litigants and others having business in the court.

11. Unprofessional Conduct of Attorneys and Counsel.

A judge should utilize his opportunities to criticise and correct unprofessional conduct of attorneys and counsellors, brought to his attention; and, if adverse comment is not a sufficient corrective, should send the matter at once to the proper investigating and disciplinary authorities.

* These Canons, to and including Canon 34, were adopted by the American Bar Association at its Forty-Seventh Annual Meeting, at Philadelphia, Pennsylvania, on July 9, 1924. The Committee of the Association which prepared the Canons was appointed in 1922, and composed of the following: William H. Taft, District of Columbia, Chairman; Leslie C. Cornish, Maine; Robert von Moschzisker, Pennsylvania; Charles A. Boston, New York; and Garret W. McEnerney, California. George Sutherland, of Utah, originally a member of the Committee, retired and was succeeded by Mr. McEnerney. In 1923, Frank M. Angellotti, of California, took the place of Mr. McEnerney.

Canons 28 and 30 were amended at the Fifty-Sixth Annual Meeting, Grand Rapids, Michigan, August 30-September 1, 1933. Canon 28 was further amended at the Seventy-Third Annual Meeting, Washington, D. C., September 20, 1950. Canons 35 and 36 were adopted at the Sixtieth Annual Meeting, at Kansas City, Missouri, September 30, 1937. Canon 35 was amended at San Francisco, Calif., Sept. 1952.

12. Appointees of the Judiciary and Their Compensation.

Trustees, receivers, masters, referees, guardians and other persons appointed by a judge to aid in the administration of justice should have the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him for personal or partisan advantage. He should not permit his appointments to be controlled by others than himself. He should also avoid nepotism and undue favoritism in his appointments.

While not hesitating to fix or approve just amounts, he should be most scrupulous in granting or approving compensation for the services or charges of such appointees to avoid excessive allowances, whether or not excepted to or complained of. He cannot rid himself of this responsibility by the consent of counsel.

13. Kinship or Influence.

A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person.

14. Independence.

A judge should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism.

15. Interference in Conduct of Trial.

A judge may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but he should bear in mind that his undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, especially those who are excited or terrified by the unusual circumstances of a trial, may tend to prevent the proper presentation of the cause, or the ascertainment of the truth in respect thereto.

Conversation between the judge and counsel in court is often necessary, but the judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. In addressing counsel, litigants, or witnesses, he should avoid a controversial manner or tone.

He should avoid interruptions of counsel in their arguments except to clarify his mind as to their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.

16. Ex parte Applications.

A judge should discourage *ex parte* hearings of applications for injunctions and receiverships where the order may work detriment to absent parties; he should act upon such *ex parte* applications only where the necessity for quick action is clearly shown; if this be demonstrated, then he should endeavor to counteract the effect of the absence of opposing counsel by a scrupulous cross-examination and investigation as to the facts and the principles of law on which the application is based, granting relief only when fully satisfied that the law permits it and the emergency demands it. He should remember that an injunction is a limitation upon the freedom of action of defendants and should not be granted lightly or inadvisedly. One applying for such relief must sustain the burden of showing clearly its necessity and this burden is increased in the absence of the party whose freedom of action is sought to be restrained even though only temporarily.

17. Ex parte Communications.

A judge should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for *ex parte* application.

While the conditions under which briefs of argument are to be received are largely matters of local rule or practice, he should not permit the contents of such brief presented to him to be concealed from opposing counsel. Ordinarily all communications of counsel to the judge intended or calculated to influence action should be made known to opposing counsel.

18. Continuances.

Delay in the administration of justice is a common cause of complaint; counsel are frequently responsible for this delay. A judge, without being arbitrary or forcing cases unreasonably or unjustly to trial when unprepared, to the detriment of parties, may well endeavor to hold counsel to a proper appreciation of their duties to the public interest, to their own clients, and to the adverse party and his counsel, so as to enforce due diligence in the dispatch of business before the court.

19. Judicial Opinions.

In disposing of controverted cases, a judge should indicate the reasons for his action in an opinion showing that he has not disregarded or overlooked serious arguments of counsel. He thus shows his full understanding of the case, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute useful precedent to the growth of the law.

It is desirable that Courts of Appeals in reversing cases and granting new trials should so indicate their views on questions of law argued before them and necessarily arising in the controversy that upon the new trial counsel may be aided to avoid the repetition of erroneous positions of law and shall not be left in doubt by the failure of the court to decide such questions.

But the volume of reported decisions is such and is so rapidly increasing that in writing opinions which are to be published judges may well take this fact into consideration, and curtail them accordingly, without substantially departing from the principles stated above.

It is of high importance that judges constituting a court of last resort should use effort and self-restraint to promote solidarity of conclusion and the consequent influence of judicial decision. A judge should not yield to pride of opinion or value more highly his individual reputation than that of the court to which he should be loyal. Except in case of conscientious difference of opinion on fundamental principle, dissenting opinions should be discouraged in courts of last resort.

20. Influence of Decisions Upon the Development of the Law.

A judge should be mindful that his duty is the application of general law to particular instances, that ours is a government of law and not of men, and that he violates his duty as a minister of justice under such a system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. Such action may become a precedent unsettling accepted principles and may have detrimental consequences beyond the immediate controversy. He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power, but a judge under the sanction of law.

21. Idiosyncrasies and Inconsistencies.

Justice should not be moulded by the individual idiosyncrasies of those who administer it. A judge should adopt the usual and expected method of doing justice, and not seek to be extreme or peculiar in his judgments, or spectacular or sensational in the conduct of the court. Though vested with discretion in the imposition of mild or severe sentences he should not compel persons brought before him to submit to some humiliating act or discipline of his own devising, without authority of law, because he thinks it will have a beneficial corrective influence.

In imposing sentence he should endeavor to conform to a reasonable standard of punishment and should not seek popularity or publicity either by exceptional severity or undue leniency.

22. Review.

In order that a litigant may secure the full benefit of the right of review accorded to him by law, a trial judge should scrupulously grant to the defeated party opportunity to present the questions arising upon the trial exactly as they arose, were presented, and decided, by full and fair bill of exceptions or otherwise; any failure in this regard on the part of the judge is peculiarly worthy of condemnation because the wrong done may be irremediable.

23. Legislation

A judge has exceptional opportunity to observe the operation of statutes, especially those relating to practice, and to ascertain whether they tend to impede the just disposition of controversies; and he may well contribute to the public interest by advising those having authority to remedy defects of procedure, of the result of his observation and experience.

24. Inconsistent Obligations.

A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

25. Business Promotions and Solicitations for Charity.

A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.

26. Personal Investments and Relations.

A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

27. Executorships and Trusteeships.

While a judge is not disqualified from holding executorships or trusteeships, he should not accept or continue to hold any fiduciary or other position if the holding of it would interfere or seem to interfere with the proper performance of his judicial duties, or if the business interests of those represented require investments in enterprises that are apt to come before him judicially, or to be involved in questions of law to be determined by him.

28. Partisan Politics.*

While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. He should avoid making political speeches, making or soliciting payment of assessments or contributions to party funds, the public endorsement of candidates for political office and participation in party conventions.

He should neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities.

Where, however, it is necessary for judges to be nominated and elected as candidates of a political party, nothing herein contained shall prevent the judge from attending or speaking at political gatherings, or from making contributions to the campaign funds of the party that has nominated him and seeks his election or re-election.

* As amended August 31, 1933 and September 20, 1950.

29. Self-Interest.

A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

30. Candidacy for Office.*

A candidate for judicial position should not make or suffer others to make for him, promises of conduct in office which appeal to the cupidity or prejudices of the appointing or electing power; he should not announce in advance his conclusions of law on disputed issues to secure class support, and he should do nothing while a candidate to create the impression that if chosen, he will administer his office with bias, partiality or improper discrimination.

While holding a judicial position he should not become an active candidate either at a party primary or at a general election for any office other than a judicial office. If a judge should decide to become a candidate for any office not judicial, he should resign in order that it cannot be said that he is using the power or prestige of his judicial position to promote his own candidacy or the success of his party.

If a judge becomes a candidate for any judicial office, he should refrain from all conduct which might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy or the success of his party.

He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

31. Private Law Practice.

In many states the practice of law by one holding judicial position is forbidden. In superior courts of general jurisdiction, it should never be permitted. In inferior courts in some states, it is permitted because the county or municipality is not able to pay adequate living compensation for a competent judge. In such cases one who practises law is in a position of great delicacy and must be scrupulously careful to avoid conduct in his practice whereby he utilizes or seems to utilize his judicial position to further his professional success.

He should not practise in the court in which he is a judge, even when presided over by another judge, or appear therein for himself in any controversy.

If forbidden to practise law, he should refrain from accepting any professional employment while in office.

He may properly act as arbitrator or lecture upon or instruct in law, or write upon the subject, and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law.

32. Gifts and Favors.

A judge should not accept any presents or favors from litigants, or from lawyers practising before him or from others whose interests are likely to be submitted to him for judgment.

33. Social Relations.

It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct.

34. A Summary of Judicial Obligation.

In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to law, and

* As amended August 31, 1933.

deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

35. Improper Publicising of Court Proceedings.*

Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting or televising of court proceedings detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony, and create misconceptions with respect thereto in the mind of the public and should not be permitted.

Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the court, of such portions of naturalization proceedings (other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization.

* Adopted September 30, 1937; amended September 15, 1952 and February 5, 1963.

36. Conduct of Court Proceedings.*

Proceedings in court should be so conducted as to reflect the importance and seriousness of the inquiry to ascertain the truth.

The oath should be administered to witnesses in a manner calculated to impress them with the importance and solemnity of their promise to adhere to the truth. Each witness should be sworn separately and impressively at the bar or the court, and the clerk should be required to make a formal record of the administration of the oath, including the name of the witness.

* Adopted September 30, 1937.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereupon to stir up strife and put money in his pocket? A moral tone ought to be enforced in the profession which would drive such men out of it."

—ABRAHAM LINCOLN

END