

CODE OF JUDICIAL CONDUCT

[BRACKETED] MATERIAL DELETED, UNDERLINED MATERIAL ADDED

Canon 1. [A judge] Judges should uphold the integrity and independence of the judiciary.

An independent and honorable judiciary is indispensable to justice in our society. [A judge] Judges should participate in establishing, maintaining, and enforcing, and should [himself] themselves observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

Canon 2. [A judge] Judges should avoid impropriety and the appearance of impropriety in all [his] their activities.

A. [A judge] Judges should respect and comply with the law and should conduct [himself] themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. [A judge] Judges should not allow [his] their family, social, or other relationships to influence [his] their judicial conduct or judgment. [He] They should not lend the prestige of [his] their office to advance the private interests of others; nor should [he] they convey or knowingly permit others to convey the impression that they are in a special position to influence [him] the judge. [He] Judges should not testify voluntarily as a character witness.

Note

Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. [A judge] Judges must avoid all impropriety and appearance of impropriety. [He] They must expect to be the subject of constant public scrutiny. [He] They must therefore accept restrictions on [his] their conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The testimony of [a judge] judges as [a] character witnesses injects the prestige of [his] their office into the proceeding in which [he] they testify[ies] and may be

misunderstood to be official testimonial. This Canon, however, does not afford **[him] them** a privilege against testifying in response to an official summons.

Canon 3. [A judge] Judges should perform the duties of [his] their office impartially and diligently.

The judicial duties of **[a] judges** take precedence over all **[his] their** other activities. **[His] Their** judicial duties include all the duties of **[his] their** office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative responsibilities.

(1) **[A judge] Judges** should be faithful to the law and maintain professional competence in it. **[He] They** should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) **[A judge] Judges** should maintain order and decorum in proceedings before **[him] them**.

(3) **[A judge] Judges** should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom **[he] they** deal[s] in **[his] their** official capacity, and should require similar conduct of lawyers, and of **[his] their** staff, court officials, and others subject to **[his] their** direction and control.

Note

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Courts can be efficient and businesslike while being patient and deliberate.

(4) **[A judge] Judges** should accord to **[every person] all persons** who **[is] are** legally interested in a proceeding, or **[his] their** lawyers, full right to be heard according to law, and, except as authorized by law, must not consider ex parte communications concerning a pending proceeding.

(5) **[A judge] Judges** should dispose promptly of the business of the court.

Note

Prompt disposition of the court's business requires **[a judge] judges** to devote adequate time to **[his] their** duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants and their lawyers cooperate with **[him] them** to that end.

(6) **[A judge] Judges** should abstain from public comment about a pending proceeding in any court, and should require similar abstention on the part of court personnel subject to **[his] their** direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

Note

“Court personnel” does not include the lawyers in a proceeding before a judge. The conduct of lawyers is governed by DR7-107 of the Code of Professional Responsibility.

(7) **[A judge] Judges** should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;

(b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings; and

(ii) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions; and

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

(d) the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions of any trial court nonjury civil proceeding, however, for the purposes of this subsection 'civil proceedings' shall not be construed to mean a support, custody or divorce proceeding. Subsection (iii) and (iv) shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this Order.

Note

Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

B. Administrative responsibilities.

(1) **[A judge] Judges** should diligently discharge **[his] their** administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) **[A judge] Judges** should require **[his] their** staff and court officials subject to **[his] their** direction and control to observe the standards of fidelity and diligence that apply to **[him] judges**.

(3) **[A judge] Judges** should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

Note

Disciplinary measures may include reporting a judge's or lawyer's misconduct to an appropriate disciplinary body.

(4) **[A judge] Judges** should not make unnecessary appointments. **[He] They** should exercise **[his] their** power of appointment only on the basis of merit, avoiding favoritism. **[He] They** should not approve compensation of appointees beyond the fair value of services rendered.

Note

Appointees of the judge include officials such as referees, commissioners, special masters, receivers, guardians and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by this subsection.

C. Disqualification.

(1) **[A judge] Judges** should disqualify **[himself] themselves** in a proceeding in which **[his] their** impartiality might reasonably be questioned, including but not limited to instances where:

(a) **[he has] they have** a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) **[he] they served** as **a** lawyer in the matter in controversy, or a lawyer with whom **[he] they** previously practiced law served during such association as a lawyer[,], concerning the matter, or the judge or such lawyer has been a material witness concerning it;

Note

A lawyer in a governmental agency does not necessarily have an association with other lawyers employed by that agency within the meaning of this subsection; **[a judge] judges** formerly employed by a governmental agency, however, should disqualify **[himself] themselves** in a proceeding if **[his] their** impartiality might reasonably be questioned because of such association.

(c) **[he knows that he] they know that they**, individually or as a fiduciary, or **[his] their** spouse or minor child residing in **[his] their** household, **[has] have** a

substantial financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) **[he or his] they or their** spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

- (i) is a party to the proceeding, or an officer, director, or trustee of a party;
- (ii) is acting as a lawyer in the proceeding;

Note

The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that “**[his] their** impartiality might reasonably be questioned” under Canon 3C(1), or that the lawyer-relative is known by the judge to have an interest in the law firm that could be “substantially affected by the outcome of the proceeding” under Canon 3C(1)(d)(iii) may require **[his] the judge’s** disqualification.

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge’s knowledge likely to be a material witness in the proceeding;

(2) **[A judge] Judges** should inform **[himself] themselves** about **[his] their** personal and fiduciary financial interests, and make a reasonable effort to inform **[himself] themselves** about the personal financial interests of **[his] their** spouse and minor children residing in **[his] their** household.

(3) For the purposes of this section:

- (a) the degree of relationship is calculated according to the civil law system;

Note

According to the civil law system, the third degree of relationship test would, for example, disqualify [the] judges if **[his] their or their** [or his] spouse’s **parents, [father, grandfather] grandparents, aunts or** **uncles, siblings, nieces or**

nephews or their spouses [brother, or niece’s husband] were a party or lawyer in the proceeding, but would not disqualify **[him] them** if a cousin were a party or lawyer in the proceeding.

(b) “fiduciary” includes such relationships as executor, administrator, trustee, and guardian;

(c) “financial interest” means ownership of a legal or equitable interest, if substantial, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) ownership in a mutual or common investment fund that holds securities is not a “financial interest” in such securities unless the judge participates in the management of the fund;

(ii) an office in an educational, religious, charitable, fraternal, or civic organization is not a “financial interest” in securities held by the organization;

(iii) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a substantial “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) ownership of securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of securities.

Canon 4. [A judge] Judges may engage in activities to improve the law, the legal system, and the administration of justice.

[A judge] Judges, subject to the proper performance of **[his] their** judicial duties, may engage in the following quasi-judicial activities, if in doing so **[he does] they do** not cast doubt on **[his] their** capacity to decide impartially any issue that may come before **[him] them**:

A. **[He] They** may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. **[He] They** may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and **[he] they** may otherwise consult with an executive or

legislative body or official, but only on matters concerning the administration of justice.

C. **[He] They** may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. **[He] They** may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. **[He] They** may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Note

As a judicial officer and person specially learned in the law, **[a judge is] judges are** in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice. To the extent that **[his] their** time permits, **[he is] they are** encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.

Extra-judicial activities are governed by Canon 5.

Canon 5. [A judge] Judges should regulate [his] their extra-judicial activities to minimize the risk of conflict with [his] their judicial duties.

A. Avocational activities.

[A judge] Judges may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of **[his] their** office or interfere with the performance of **[his] their** judicial duties.

Note

Complete separation of **[a judge] judges** from extra-judicial activities is neither possible nor wise; **[he] they** should not become isolated from the society in which **[he] they live**.

B. Civic and Charitable Activities.

[A judge] **Judges** may participate in civic and charitable activities that do not reflect adversely upon [his] **their** impartiality or interfere with the performance of [his] **their** judicial duties. [A judge] **Judges** may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) [A judge] **Judges** should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before [him] **them** or will be regularly engaged in adversary proceedings in any court.

Note

The changing nature of some organizations and of their relationship to the law makes it necessary for [a judge] **judges** regularly to reexamine the activities of each organization with which [he is] **they are** affiliated to determine if it is proper for [him] **them** to continue [his] **their** relationship with it. For example, in many jurisdictions charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

(2) [A judge] **Judges** should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of [his] **their** office for that purpose, but [he] **they** may be listed as an officer, director, or trustee of such an organization. [He] **They** should not be a speaker or the guest of honor at an organization's fund raising events, but [he] **they** may attend such events.

(3) [A judge] **Judges** should not give investment advice to such an organization, but [he] **they** may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Note

A judge's participation in an organization devoted to quasi-judicial activities is governed by Canon 4.

C. Financial activities.

(1) **[A judge] Judges** should refrain from financial and business dealings that tend to reflect adversely on **[his] their** impartiality, interfere with the proper performance of **[his] their** judicial duties, exploit **[his] their** judicial position, or involve **[him] them** in frequent transactions with lawyers or persons likely to come before the court on which **[he serves] they serve**.

(2) Subject to the requirement of subsection (1), **[a judge] judges** may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a family business.

Note

The Effective Date of Compliance provision of this Code qualifies this subsection with regard to a judge engaged in a family business at the time this Code becomes effective.

(3) **[A judge] Judges** should manage **[his] their** investments and other financial interests to minimize the number of cases in which **[he is] they are** disqualified. As soon as **[he] they** can do so without serious financial detriment, **[he] they** should divest **[himself] themselves** of investments and other financial interests that might require frequent disqualification.

(4) Information acquired by **[a judge] judges** in **[his] their** judicial capacity should not be used or disclosed by **[him] them** in financial dealings or for any other purpose not related to **[his] their** judicial duties.

D. Fiduciary Activities.

[A judge] Judges should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of **[his] their** family, and then only if such service will not interfere with the proper performance of **[his] their** judicial duties. “Member of **[his] their** family” includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. As a family fiduciary **[a judge is] judges are** subject to the following restrictions:

(1) **[He] They** should not serve if it is likely that as a fiduciary **[he] they** will be engaged in proceedings that would ordinarily come before **[him] them**, or if the

estate, trust, or ward becomes involved in adversary proceedings in the court on which **[he serves]** **they serve** or one under its appellate jurisdiction.

Note

The Effective Date of Compliance provision of this Code qualifies this subsection with regard to a judge who is an executor, administrator, trustee, or other fiduciary at the time this Code becomes effective.

(2) While acting as a fiduciary **[a judge is]** **judges are** subject to the same restrictions on financial activities that apply to **[him in his]** **them in their** personal capacity.

Note

[A judge's] **Judges'** obligations under this Canon and **[his]** **their** obligations as a fiduciary may come into conflict. For example, a judge should resign as trustee if it would result in detriment to the trust to divest it of holdings whose retention would place the judge in violation of Canon 5C(3).

E. Arbitration.

[A judge] **Judges** should not act as an arbitrator or mediator.

F. Practice of law.

[A judge] **Judges** should not practice law.

G. Extra-judicial appointments.

[A judge] **Judges** should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. **[A judge]** **Judges**, however, may represent **[his]** **their** country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Note

Valuable services have been rendered in the past to the states and the nation by judges appointed by the executive to undertake important extra-judicial

assignments. The appropriateness of conferring these assignments on judges must be reassessed, however, in light of the demands on **[judicial manpower] judges** created by today's crowded dockets and the need to protect the courts from involvement in extra-judicial matters that may prove to be controversial. Judges should not be expected or permitted to accept governmental appointments that could interfere with the effectiveness and independence of the judiciary.

Canon 6. Compensation received for quasi-judicial and extra-judicial activities permitted by this code.

[A judge] Judges may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing **[the judge] judges** in **[his] their** judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation.

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense reimbursement.

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by **[the judge] judges** and, where appropriate to the occasion, by **[his] their** spouses.

Canon 7. [A judge] Judges should refrain from political activity inappropriate to [his] their judicial office.

A. Political conduct in general.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office; except as authorized in subsection A(2);

Note

[A candidate does] Candidates do not publicly endorse another candidate for public office by having **[his] their** name on the same ticket.

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) **[A judge] Judges** holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on **[his] their** own behalf when **[he is] they are** a candidate for election or reelection, or speak on behalf of any judicial candidate for the same office, identify **[himself] themselves** as a member of a political party, and contribute to a political party or organization.

(3) **[A judge] Judges** should resign **[his] their** office when **[he] they become[s]** a candidate either in a party primary or in a general election for a non-judicial office, except that **[he] they** may continue to hold **[his] their** judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if **[he is] they are** otherwise permitted by law to do so.

(4) **[A judge] Judges** should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign conduct.

(1) **[A candidate] Candidates**, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of **[his] their** family to adhere to the same standards of political conduct that apply to **[him] them**;

(b) should prohibit public officials or employees subject to **[his] their** direction or control from doing for **[him] them** what **[he is] judges are** prohibited from doing under this Canon; and except to the extent authorized under subsection

B(2) or B(3), **[he] they** should not allow any other person to do for **[him] them** what **[he is] judges are** prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent **[his] their** identity, qualifications, present position, or other fact.

(2) **[A candidate] Candidates**, including an incumbent judge, for a judicial office that is filled by public election between competing candidates should not **[himself] themselves** solicit or accept campaign funds, or solicit publicly stated support, but **[he] they** may establish committees of responsible persons to secure and manage the expenditure of funds for **[his] their** campaign and to obtain public statements of support for **[his] their** candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. **[A candidate's] Candidates'** committees may solicit funds for **[his] their** campaign no earlier than thirty days prior to the first day for filing nominating petitions or the last day for filing a declaration of intention to seek reelection on a retention basis, and all fundraising activities in connection with such judicial campaign shall terminate no later than the last calendar day of the year in which the judicial election is held. **[A candidate] Candidates** should not use or permit the use of campaign contributions for the private benefit of **[himself] themselves** or members of **[his] their** family.

(3) **[An incumbent judge] Incumbent judges** who **[is] are candidates [a candidate]** for retention in or reelection to office without a competing candidate may campaign and may obtain publicly stated support and campaign funds in the manner provided in subsection B(2).

Compliance With The Code of Judicial Conduct

Anyone, whether or not a lawyer, who is an officer of a judicial system performing judicial functions, including an officer such as a referee in bankruptcy, special master, court commissioner, or magistrate, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

Senior Judge. **[A senior judge] Senior judges** who receive[s] the same compensation as **[a] full-time judges** on the court from which **[he] they** retired and **[is] are** eligible for recall to judicial service should comply with all the provisions of this Code except Canon 5G, but **[he] they** should refrain from judicial service

during the period of an extra-judicial appointment not sanctioned by Canon 5G. All other senior judges eligible for recall to judicial service should comply with the provisions of this Code.

This Code shall not apply to **[justices of the peace, police magistrates of the City of Pittsburgh] magisterial district judges** and judges of the Traffic Court of the City of Philadelphia.

Note

Specific rules governing standards of conduct of **[justices of the peace] magisterial district judges, [including police magistrates of the City of Pittsburgh]** and judges of the Traffic Court of the City of Philadelphia, are set forth in the Rules Governing Standards of Conduct of **[Justices of the Peace] Magisterial District Judges**.

Effective Date of Compliance

[A person] Persons to whom this Code becomes applicable should arrange **[his] their** affairs as soon as reasonably possible to comply with it. If, however, the demands on **[his] their** time and the possibility of conflicts of interest are not substantial, **[a person] persons** who hold[s] judicial office on the date this Code becomes effective may:

(a) continue to act as an officer, director, or nonlegal advisor of a family business;

(b) continue to act as an executor, administrator, trustee, or other fiduciary for the estate or person of one who is not a member of **[his] their** family.

Reliance on Advisory Opinions

The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, justices and other judicial officers subject to the Code of Judicial Conduct, and, although such opinions are not per se binding upon **[either] the [Judicial Inquiry and Review Board] Judicial Conduct Board, the Court of Judicial Discipline** or the Supreme Court of Pennsylvania, action taken

in reliance thereupon and pursuant thereto shall be taken into account in determining whether discipline should be recommended or imposed.

Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002), concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.