



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

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New Code of Judicial Conduct strengthens and clarifies rules for judicial behavior

Nepotism and service on commercial boards addressed

HARRISBURG — The Supreme Court of Pennsylvania has approved a new Code of Judicial Conduct. Among notable changes from the prior code is the adoption of provisions dealing with nepotism and service on commercial boards, including the issues of recusal and disqualification. It goes into effect on July 1, 2014.

“For courts in western democracies to effectively render independent and impartial decisions, the public’s confidence in the integrity of the judicial system and its judges is essential,” Chief Justice Ronald D. Castille said. “The Code of Judicial Conduct is designed to foster that confidence by assisting judges in their adherence to the highest judicial and personal conduct standards. It also establishes a basis for disciplinary agencies to regulate judges’ conduct.”

The new code in both style and content is based upon the model code promulgated by the American Bar Association in 2007, but it also reflects the experience of Pennsylvania and the provisions that best apply to the state judiciary. It updates the version that was initially adopted by the court in 1973.

As the code’s preamble notes, the code is not intended to specifically address every aspect of conduct, but its precepts are to be applied in concert with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for relevant circumstances.

The updated code includes an anti-nepotism provision (Rule 2.13), which states that in making administrative appointments and hiring decisions a judge shall be impartial, base hiring on merit and avoid nepotism, favoritism and unnecessary appointments.

Another major change in the code says that service on commercial boards is now prohibited and all judges who hold such positions have until July 1, 2015, to resign from those seats (Rule 3.11). Prior limitations on personal financial activities remain in force to avoid conflicts of interest and disqualifications from judicial matters, but the new code allows judges to place personal investments into a blind trust rather than relinquishing those investments.

The new code also contains provisions dealing with bias, prejudice and harassment (Rule 2.3) and a ban on judges holding membership in any organization that practices invidious discrimination. (Rule 3.6)

In 2011, the Supreme Court of Pennsylvania established a work group, chaired by Superior Court Judge Anne E. Lazarus, to recommend proposed revisions to the Pennsylvania Code of Judicial Conduct. The work group, which included judges, lawyers and academicians, reviewed the 2007 American Bar Association Model Code of Judicial Conduct and codes from other states in making its recommendations. The new code adopted today reflects the work of that committee.

Others collaborating with the work group on the proposed revisions were the Pennsylvania Bar Association under the leadership of Bar President Forest N. Myers and the Philadelphia Bar Association under the leadership of Chancellor Kathleen Wilkinson.

In addition to the code update, the Supreme Court also shifted two issues contained in the Code of Conduct and incorporated them in the Rules of Judicial Administration, deciding that they were more appropriately included in administrative rules, rather than ethical conduct rules.

The first is Rule of Judicial Administration No. 1910, which governs broadcasting from courtrooms. There is no substantive change in that rule.

The second is Rule of Judicial Administration No. 1701(e), which addresses whether a judge or magisterial district judge may testify as a character witness at trial.

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EDITORS' NOTE: The following links are to the new code and rules:

Code of Conduct: <http://www.pacourts.us/assets/opinions/Supreme/out/419jad-attach.pdf?cb=1>

Order — RJA 1910: <http://www.pacourts.us/assets/opinions/Supreme/out/420jad.pdf?cb=1>

RJA 1910: <http://www.pacourts.us/assets/opinions/Supreme/out/420jad-attach.pdf?cb=1>

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