

Gavel to Gavel

A review of state legislation affecting the courts

Week ending July 29, 2011

Volume 5, Issue 31

Focus: Legislative changes to Codes of Judicial Conduct

[Issue 5:11](#) examined recent proposed legislative changes to judicial conduct/disciplinary bodies. As a follow-up, this issue will look at proposed legislative changes to the Codes of Judicial Conduct (also known as Canons of Judicial Ethics, Code of Judicial Ethics, or Canons of Judicial Conduct, depending on the state). Although none were adopted, the level of activity across so many states appears to be unprecedented.

[Minnesota HB 1568 \(2011\)](#) Establishes a new, statutory, Code of Judicial Conduct. Died in House Judiciary Policy and Finance Committee.

[New Mexico SB 576 \(2011\)](#) Specifies that “Notwithstanding any provision of the Code of Judicial Conduct to the contrary, a candidate for judicial office retains all constitutionally protected rights of free speech during the campaign and election process. A judicial candidate may exercise the candidate's free speech rights by discussing controversies or issues that are relevant to voters in an election. A Canon of Judicial Conduct shall not prohibit judicial speech based on its content.” Died in Senate Judiciary Committee.

[New Mexico SB 664 \(2009\)](#) Specifies that “Notwithstanding any provision of the Code of Judicial Conduct to the contrary, a candidate for judicial office retains all constitutionally protected rights of free speech during the campaign and election process. A judicial candidate may exercise the candidate's free speech rights by discussing controversies or issues that are relevant to voters in an election. A Canon of Judicial Conduct shall not prohibit judicial speech based on its content.” Died in Senate Judiciary Committee.

[Oklahoma HB 1611 \(2011\)](#) Establishes a new, statutory, Code of Judicial Conduct. In House Judiciary Committee. Carried over into 2012 session.

[Oklahoma HJR 1028 \(Constitutional Amendment\) \(2009\)](#) Requires submission of changes to the Code of Judicial Conduct to the Legislature for approval, rejection, or amendment. Approved by House Rules Committee. Carried over into 2010 session. Died on House floor.

[Oklahoma SB 1124 \(2009\)](#) Permits the Legislature to disapprove any existing rule of the Code of Judicial Conduct. Requires legislative approval for new rules or proposed amendments to the Code of Judicial Conduct prior to such rule taking effect. Approved by Senate Judiciary Committee. Carried over into 2010 session. Died on Senate floor.

[Texas SB 315 \(2009\)](#) Creates the Texas Congressional Redistricting Commission. Provides the Texas Supreme Court is to have original jurisdiction to hear and decide cases involving congressional redistricting, including a case involving a redistricting plan adopted by the supreme court. Provides that a member of the court is not disqualified from participating in a redistricting case because the member has participated or is authorized to participate in the adoption of a redistricting plan, but is authorized to recuse himself or herself from the case. Provides that this subsection supersedes any other law, including an applicable Code of Judicial Conduct, with

regard to conflicts of interest by or disqualification of a member of the court. Approved by Senate State Affairs Committee. Died on Senate floor.

[Vermont SB 155 \(2010\)](#) Amends Canon 5(A)(3) of the Vermont Code of Judicial Conduct to read “A judge shall resign from judicial office upon becoming a candidate for any **nonjudicial** elective office, except that a judge of probate or an assistant judge may be a candidate for reelection or may serve as town meeting moderator, provided that the judge complies with the provisions of Section 5C.” Died in Senate Judiciary Committee.

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

NONE

Qualifications and Terms: Newly Introduced

NONE

Qualifications and Terms: Floor and Committee Activity

NONE

Rule Making Authority: Newly Introduced

NONE

Rule Making Authority: Floor and Committee Activity

NONE

Salary and Budget: Newly Introduced

NONE

Salary and Budget: Floor and Committee Activity

NONE

Selection: Newly Introduced

NONE

Selection: Floor and Committee Activity

NONE

Structure Changes: Newly Introduced

NONE

Indicates featured legislation

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Structure Changes: Floor and Committee Activity

[Massachusetts HB 3644](#) Reorganizes state's judicial system. Alters numerous powers of chief justice of the trial court, chief administrative justice(s), court administrator(s), chief justice for administration and management, supreme judicial court, etc. Conference committee version approved by House and Senate 7/29/11. To Governor for approval.

Other: Newly Introduced

NONE

Other: Floor and Committee Activity

NONE

Indicates featured legislation

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