

JUDICIAL CONDUCT REPORTER



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The 26th National College on Judicial Conduct and Ethics will be
Wednesday October 23 through Friday October 25, 2019 in Chicago

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Continuing disciplinary jurisdiction over former judges by Cynthia Gray

In most states, caselaw or a rule or both allows judicial discipline proceedings to continue even after a judge is no longer in office. In 2018, for example, approximately 15 former judges received a public sanction, and two former judges were even removed from office.

Some of the judicial discipline caselaw about continuing jurisdiction is based on the general principal that, once a court or agency has jurisdiction, subsequent events do not terminate that jurisdiction. For example, noting that the judge was actively serving as a judge both when the alleged misconduct occurred and when the Commission on Judicial Conduct opened its investigation, the Alaska Supreme Court held that the Commission unquestionably acquired jurisdiction over the alleged misconduct and did not lose it merely because the judge had retired. *In the Matter of Johnstone*, 2 P.3d 1226 (Alaska 2000) (public reprimand of a former judge for an appearance of impropriety in the hiring of a coroner).

Furthermore, in many states, a judge who is removed in discipline proceedings is barred from future judicial service and that additional repercussion justifies continuing the proceedings even if a judge is no longer in office. In *In the Matter of Backal*, 660 N.E.2d 1104 (New York 1995), the New York Court of Appeals explained that removal is “an indispensable means” of preventing judges who resign from seeking office and thereby circumventing the constitutional mandate that judges who have been removed are ineligible to serve again. In *Backal*, the Court removed a former judge who had resigned for her involvement with someone engaged in drug dealing and money laundering. Similarly, removing a former judge who had retired prior to the conclusion of a disciplinary proceeding, the Wisconsin Supreme Court noted that otherwise he would be eligible to serve as a reserve judge on temporary assignment despite “an aggravated and persistent failure” to comply with the code of judicial conduct. *In the Matter of Sterlinske*, 365 N.W.2d 876 (Wisconsin 1985).

Further, the Vermont Supreme Court noted that, “even after leaving office, an ex-judge retains the status of the judicial office on his resume. The public is entitled to know if the record is tarnished.” *In re Steady*, 641 A.2d 117 (Vermont 1994) (reprimand of a former judge for purchasing a political advertisement in a newspaper supporting candidates for national, state, and local offices).

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Integrity of the judicial system

Even in those states where removal is not an available sanction for former judges, resignation or retirement does not invalidate proceedings to determine if other sanctions, such as a public reprimand or censure, are warranted. For example, the California Commission on Judicial Performance explained that, although the state constitution did not authorize it to remove a retired judge, it could publicly censure him for ticket-fixing and bar him from judicial office as “an unqualified denunciation” of his misconduct and to enforce “rigorous standards of conduct” and repair the damage to the judiciary’s reputation. *Inquiry Concerning Danser, Decision and Order* (California Commission on Judicial Performance June 2, 2005). Similarly, noting that the public may construe silence as condonation, the Michigan Supreme Court emphasized that judicial misconduct “denigrates an institution” and that a sanction such as censure may be essential to “the preservation of the integrity of the judicial system,” even if the judge left office “to avoid the notoriety and ignominy incident to disciplinary proceedings.” *Matter of Probert*, 308 N.W.2d 773 (Michigan 1981) (public censure of a former judge who had, in addition to other misconduct, refused to appoint counsel for indigent defendants; insisted on cash bonds on appeal contrary to a statute; imprisoned persons for contempt without due process; and became intoxicated in public, staggering about and speaking loudly about his judicial authority).

As the New Hampshire Supreme Court stated, the integrity of the judicial system is fostered, not just by the removal or suspension of a judge, but also by an investigation, a public hearing, and sanctions other than removal. *Petition of Thayer*, 761 A.2d 1052 (New Hampshire 2000).

A viable and continuing [Judicial Conduct Committee] investigative process is an integral source of confidence upon which public perception may be based. When members of the public are informed as to judicial misconduct, they are better able to recognize, report, and otherwise protect themselves against future instances of similar misconduct.

Similarly, the Alaska Supreme Court explained:

The public may be “protected” by judicial discipline in several ways. One way to protect the public is to remove the offending judge from office. . . . [A]nother way to protect the public is to keep it informed of judicial transgressions and their consequences, so that it knows that its government actively investigates allegations of judicial misconduct and takes appropriate action when these allegations are proved. Judicial discipline thus protects the public by fostering public confidence in the integrity of a self-policing judicial system.

In the Matter of Johnstone, 2 P.3d 1226 (Alaska 2000). The Court added that judicial discipline of a former judge “reinforces the general perception that judicial ethics are important” and “promotes public confidence by demonstrating that the judicial system takes misconduct seriously.”

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Rejecting a judge's argument that his retirement made a pending discipline proceeding "lose its 'controversial vitality,'" the Maine Supreme Judicial Court stated that the imposition of sanctions on a former judge was not meaningless but would "announce publicly our recognition and condemnation of judicial misconduct" and "restore and reaffirm public confidence in the administration of justice." *In re Cox*, 658 A.2d 1056 (Maine 1995) (disbarment of a retired judge who had been found in a civil suit to have committed fraud while he was still a judge). The Court also explained that, sanctions not only "deter the individual judge from future misconduct," but "discourage others from engaging in similar conduct." *See also In the Matter of Johnstone*, 2 P.3d 1226 (Alaska 2000) (judicial discipline "discourages further misconduct on the part of the disciplined judge and the judiciary as a whole").

Precedent

In addition to restoring public confidence and deterring misconduct, judicial discipline proceedings establish precedent and provide guidance for judges, goals that can be served even if the respondent judge is no longer in office. *See Commission on Judicial Performance v. Dodds*, 680 So.2d 180 (Mississippi 1996) (removal for ticket-fixing and other misconduct of a former judge who had not been a candidate for re-election). Noting that the lack of precedent on matters of judicial misconduct is a "compelling concern," the Nevada Supreme Court explained that its "comprehensive and conclusive review" of a recommendation that a former judge be removed for abuse of the contempt power would "establish needed precedent" as well as enhance "the efficacy of Nevada's judicial disability retirement system, the competence of its judicial officers and public confidence in the commission to promote and maintain the integrity of the judiciary." *Goldman v. Commission on Judicial Discipline*, 830 P.2d 107 (Nevada 1992). The Arizona Supreme Court noted that it had held in other contexts as well that, if a case raises questions that "should be decided for the guidance of public officers in the future administration of law, it will not be dismissed as moot, but will be determined upon its merits." *In re Weeks*, 658 P.2d 174 (Arizona 1983) (censure of a former judge for failing to dispose of matters under advisement within a reasonable time and signing a false statement that he had no cases over 60 days old).

In *In the Matter of Martinek*, 881 N.W.2d 85 (Iowa 2016), even though the respondent had resigned after the Commission on Judicial Qualifications recommended that he be publicly reprimanded, the Iowa Supreme Court found that the now-former magistrate had violated the code of judicial conduct by advertising his availability to perform marriage ceremonies for a fee on his law practice web-site, including photos of himself in his judicial robes, and not disclosing that he did not charge for weddings performed during his regular hours at the courthouse. The Court noted that, in the past, it had declined to discipline judicial officers who resigned,

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and it did not impose a sanction in the case. However, it did make a decision on the merits in the “expectation and hope that this decision will provide guidance to judicial officers in our state.”

Similarly, stating that the issues were of “great public interest concerning the honor and dignity of the judiciary,” the Kansas Supreme Court rejected a former judge’s suggestion that it lost jurisdiction over him when he resigned. *In the Matter of Henderson*, 392 P.3d 56 (Kansas 2017). It did not sanction the former judge, but it did find that he had made dishonest statements under oath in a prior discipline proceedings. The Court explained:

The duty to protect the public from malfeasance by judges does not terminate the moment a judge steps down from office. A judge may not evade public responsibility and our jurisdiction based on the misconduct simply by stepping away from the bench when the misconduct is revealed. . . .

The Court decided not “to abdicate our responsibility of judicial supervision by dismissing the complaint merely because the Respondent walked away from his responsibilities.”

Racing to resign

Many decisions express an unwillingness to allow judges to escape the consequences of their misconduct “by racing to resign.” *In the Matter of Backal*, 660 N.E.2d 1104 (New York 1995). The Michigan Supreme Court disapproved of a judge having “the power, simply by leaving office, to short-circuit investigation of the allegations against him, leaving the proceedings incomplete and subject to the abrasion of time.” *Matter of Probert*, 308 N.W.2d 773 (Michigan 1981). It explained:

[T]o hold that this Court has no power to discipline a former judge would work undue mischief, which would be most apparent, for example, in a case in which a judge leaves office after his case is submitted to us and only the question of discipline remains. Such a holding would mean that at a time when the commission has completed its work and we have before us all the information and materials necessary to render judgment, our power to vindicate the integrity of the judiciary could nonetheless be negated by wholly irrelevant occurrences such as the expiration of the judge’s term of office, his resignation, or the length of time we take to decide the case.

The Mississippi Supreme Court stated that a judge “should not be able to preclude discipline by the simple expedient of resigning or otherwise voluntarily leaving office.” *Commission on Judicial Performance v. Dodds*, 680 So. 2d 180 (Mississippi 1996). The North Carolina Supreme Court opined that it would “be a travesty if a judge could avoid the full consequences of his misconduct by resigning from office after removal proceedings had been brought against him.” *In re Peoples*, 250 S.E.2d 890 (North Carolina 1978) (removal of a former judge for his handling of criminal cases, including placing numerous cases in an inactive file in lieu of disposing of them in open court; the judge had resigned shortly after being notified of the

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preliminary investigation). Finally, the West Virginia Supreme Court of Appeals concluded that it “would be ill-advised to establish a precedent that would allow a judge or magistrate to escape punishment for violations of the Code of Ethics by resigning from office.” *Judicial Hearing Board v. Romanello*, 336 S.E.2d 540 (West Virginia 1985) (remanding for further proceedings on allegations that a magistrate had been reimbursed for travel expenses he had not incurred and had publicly campaigned for a political candidate; the Judicial Hearing Board had recommended dismissal because the magistrate was no longer in office).

See also Steensland v. Judicial Inquiry Commission 87 So. 3d 535 (Alabama 2012) (affirming censure and bar from office of a former judge for his treatment of litigants and practice of sentencing to jail defendants who pleaded not guilty early in the docket to discourage other defendants from seeking a trial; the judge had retired after the Judicial Inquiry Commission began investigating a verified complaint, before the Commission filed its formal complaint); *In the Matter of Booras* (Colorado Supreme Court March 11, 2019) (public censure of a former court of appeals judge who had resigned after the Commission recommended that she be removed for disclosing to her intimate partner the vote of an appellate division in a case and using inappropriate racial epithets in communications with that partner; the Court also barred her from judicial office); *In the Matter of Pepe*, 607 A.2d 988 (New Jersey 1992) (removal of a former judge for using marijuana, supplying marijuana to another individual, and helping an individual obtain employment from a party to an action before his court; the judge had resigned); *In re Melograne*, 812 A.2d 1164 (Pennsylvania 2002) (a judge’s resignation did not divest the Court of Judicial Discipline of its authority to impose sanctions for a federal felony conviction of conspiracy to commit mail fraud and conspiracy to violate civil rights); *In re Lallo*, 768 A.2d 921 (Rhode Island 2001) (removal of a retired judge for being regularly absent from his courtroom during normal working hours, gambling in a casino, and pleading guilty to a federal felony for knowingly making a false statement under oath in a bankruptcy petition); *Re Cross* (Tennessee Board of Judicial Conduct May 18, 2016) (public reprimand of a former judicial commissioner for failing to disqualify himself from a case in which one of the attorneys had recommended him for a part-time prosecutor position a month earlier or to disclose the relationship); *In re Sheppard*, 815 S.W.2d 917 (Texas Special Court of Review 1991) (public reprimand of a former judge for a shouting match with the owner of an appliance store and a store employee).

Not all cases

The conclusion that a commission or court has the authority to continue matters even after a judge leaves office does not necessarily mean that discipline proceedings will continue. In *In Matter of Probert*, 308 N.W.2d 773 (Michigan 1981), the Michigan Supreme Court noted that, as a matter of policy, the Judicial Tenure Commission has declined to act further in some cases after the judge resigned, failed to be re-elected, or died. This policy, the Court surmised, was based on the Commission's "estimation of the most effectual allocation of its resources. Once an unfit or incompetent judge is separated from judicial power, the greatest danger has passed." However, the Court concluded, that policy was not "a fast, inflexible rule of law" and the Commission has the discretion to proceed when appropriate. The Court listed considerations relevant to the decision whether to continue proceedings against a former judge: "the likelihood of re-election to judicial office, the gravity of the misconduct, and the importance of official reprobation to public confidence and trust in the integrity of the Michigan judicial system."

In Illinois, the Courts Commission dismisses complaints filed by the Judicial Inquiry Board if the respondent is no longer a sitting judge. However, the dismissals are without prejudice, suggesting the complaints could be refiled if the judge regained office. *See, e.g., In re Behle, Order* (Illinois Courts Commission May 2, 2007) (dismissing without prejudice a complaint against a former judge alleging that he had dated a litigant while presiding over her divorce and custody case and engaged in frequent, personal ex parte contact with a witness in a case over which he presided).

In *In re Green*, 913 So. 2d 113 (Louisiana 2005), the Louisiana Supreme Court found that the judge's resignation had rendered moot the Judiciary Commission's recommendation that he be removed based on his conviction of mail fraud, but referred the matter to the lawyer disciplinary agency for appropriate action.

In some states, a former judge's agreement not to serve in office again terminates judicial discipline proceedings. The Maryland Court of Appeals dismissed a recommendation that a judge be removed for a pattern of "undignified, condescending, and unprofessional" comments and behavior, particularly toward a female assistant public defender; the judge had filed a motion to dismiss based on his resignation and declaration that he will not seek recall as a senior judge. *In the Matter of Nance, Order* (Maryland Court of Appeals December 14, 2017). *See also In the Matter of Goetzke, Notice of hearing cancellation* (Maryland Commission on Judicial Disabilities 2018) (cancelling a hearing on charges alleging that a judge displayed a disrespectful and unprofessional demeanor during a hearing based on the judge's pending application for medical disability retirement).

The Nebraska Commission on Judicial Qualifications concluded that a plain reading of its constitutional authority to investigate a "judge" meant it did not have jurisdiction over someone who was no longer in judicial office and who had declined to sit as a judge in the future. *In the Matter of*

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Thompson, Findings and Order (Nebraska Commission on Judicial Qualifications January 29, 2007). Therefore, the Commission dismissed a formal complaint alleging that the judge had demonstrated a pattern of impatience with lawyers and litigants, in addition to other misconduct. However, a Nebraska statute does provide that a “judge who receives official notice of a [Commission] complaint or request ... shall not be allowed to retire pursuant to the Judges Retirement Act until the matter is resolved by the court.”

Rules

In many states, a provision in the constitution, a statute, or rules of judicial disciplinary procedure expressly states that a judge’s leaving the bench does not divest disciplinary authorities of jurisdiction or moot the proceedings at least in certain circumstances.

In some of the states, the rules have no conditions.

- Arizona: “The commission [on judicial conduct] has jurisdiction over judges and former judges concerning allegations of misconduct occurring prior to or during service as a judge and allegations of incapacity during service as a judge.”
- California: “[T]he Commission on Judicial Performance may . . . censure a judge or former judge or remove a judge for action occurring not more than 6 years prior to the commencement of the judge’s current term or of the former judge’s last term that constitutes willful misconduct in office, persistent failure or inability to perform the judge’s duties, habitual intemperance in the use of intoxicants or drugs, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or . . . publicly or privately admonish a judge or former judge found to have engaged in an improper action or dereliction of duty. The commission may also bar a former judge who has been censured from receiving an assignment, appointment, or reference of work from any California state court.”
- Indiana: “The jurisdiction of the Commission [on Judicial Qualifications] survives the resignation or retirement of a judicial officer.”
- Kentucky: “The [Judicial Conduct] Commission shall have the authority set out in [Supreme Court rules] without regard to separation of a judge from office or defeat of a candidate in an election, except as specifically limited” elsewhere in the rules.
- Massachusetts: The jurisdiction of the Commission on Judicial Conduct “shall include . . . conduct of a lawyer who is no longer a judge that occurred while he held judicial office.”

- Nevada: “The jurisdiction of the Commission [on Judicial Discipline] extends to all justices and judges, including senior or part-time judges, and anyone whether or not a lawyer who is an officer of a judicial system and who performs or formerly performed judicial functions, including an officer such as a magistrate, court commissioner, special master or referee.”
- South Carolina: “The Commission [on Judicial Conduct] has continuing jurisdiction over former judges regarding allegations that misconduct occurred during service as a judge.”
- Texas: “Judge” is defined as “a justice, judge, master, magistrate, or retired or former judge who is the subject of an investigation or proceeding” under the constitutional provision creating the State Commission on Judicial Conduct.
- Washington: “The [state] commission [on judicial conduct] has continuing jurisdiction over former judges regarding allegations of misconduct occurring prior to or during service as a judge.”

In other states, continuing jurisdiction is conditioned on the commission’s inquiry having begun before the judge left office.

- Mississippi: “Notwithstanding that a judge has resigned his office, the Commission [on Judicial Performance] shall retain jurisdiction over that judge if prior to his resignation the Commission has initiated an inquiry into the conduct of the judge.”
- New Mexico: “The [Judicial Standards] Commission has jurisdiction: A. Over a complaint upon receipt or issuance thereof. B. Over a judge upon service of either a notice of investigation or a notice of formal proceedings. Jurisdiction over a judge, and the Commission’s exercise thereof, continues despite the subsequent retirement, removal, or resignation of the judge.”
- Utah: “The [Judicial Conduct] Commission has continuing jurisdiction over former judges regarding allegations that misconduct occurred during the judicial appointment process or during service as a judge if a complaint is received before the judge left office.”

In other states, for jurisdiction to attach, a complaint against a former judge must be filed within a specific period after the judge leaves office or after being discovered.

- Arkansas: “The [Judicial Discipline and Disability] Commission has continuing jurisdiction over any former judge regarding allegations of misconduct occurring before or during service as a judge, provided that a complaint is received within one year of the person’s last service as a judge unless the person has actively concealed material facts giving rise to the complaint.”

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- Florida: “The commission [on judicial qualifications] shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge.”
- Georgia: “The [Judicial Qualifications] Commission has continuing jurisdiction over former judges regarding allegations that misconduct occurred before or during service as a judge or judicial candidate if a complaint is made within one year following service as a judge or judicial candidate.”
- Hawaii: “The conduct of any justice or judge, full-time or part-time, shall be subject to the jurisdiction of the Commission [on Judicial Conduct], regardless of the justice’s or judge’s status at the time the conduct is reported to the Commission, including, but not limited to, having resigned or retired from office and provided the conduct is reported to the Commission no later than ninety (90) days after the judge leaves office.”
- Vermont: The Judicial Conduct Board “has continuing jurisdiction over former judges regarding allegations that misconduct occurred during their judicial service if a complaint is made within three years of the discovery of the grounds for the complaint.”
- Wyoming: “This section applies to all judicial officers during their service on the bench and to former judicial officers regarding allegations of judicial misconduct occurring during service on the bench if a complaint is made within one (1) year following service.”

Other rules provide that complaints should be dismissed if a judge leaves office prior to the beginning of formal proceedings, in other words, that jurisdiction continues if the formal proceedings began before the judge left office.

- Montana: “If a judge voluntarily retires or resigns prior to the institution of formal proceedings, and agrees not to act as a judge at any time in the future, all proceedings against such judge shall terminate, or, in the discretion of the [Judicial Standards] Commission, may be held in abeyance to a date certain determined by the Commission, and the files of the Commission concerning said judge shall remain confidential.”
- Oregon: “When a judge resigns from all judicial work prior to formal charges being filed, the complaint will be dismissed without prejudice. The complaint may be revived if the judge resumes a position that would subject the judge to these Rules.”

Other states have rules that provide jurisdiction continues if proceedings have reached a certain stage before the judge leaves office.

- Colorado: The Supreme Court Grievance Committee has jurisdiction over “the conduct of a lawyer who is no longer a judge that occurred during the time the lawyer held judicial office, with reference to alleged violations of the Colorado Rules of Professional Conduct, if the commission [on judicial discipline] did not investigate and resolve the matter during the judge’s tenure in office.”
- New York: “The jurisdiction of the court of appeals and the commission [on judicial conduct] pursuant to this article shall continue notwithstanding that a judge resigns from office after a determination of the commission that the judge be removed from office has been transmitted to the chief judge of the court of appeals, or in any case in which the commission’s determination that a judge should be removed from office shall be transmitted to the chief judge of the court of appeals within one hundred twenty days after receipt by the chief administrator of the courts of the resignation of such judge.”

In some states, continuing jurisdiction depends on the type of allegations.

- In Minnesota, jurisdiction continues only if “the conduct at issue occurred in the judge’s judicial capacity.”
- In Michigan, if allegations relate “to the person’s actions as a judge,” the Judicial Tenure Commission has the authority to investigate even if the request for investigation is not filed during the former judge’s term of office. For other types of allegations, the request for investigation must be filed during the judge’s term of office.

Marijuana and judicial ethics by Cynthia Gray

According to governing.com, over 30 states and the District of Columbia have legalized marijuana to some degree for medical treatments and/or recreational use. Although decriminalization affects the criminal caseloads of judges in those states, it should not affect their personal conduct, according to several judicial ethics opinions.

After Colorado decriminalized the use and possession of medicinal and small amounts of recreational marijuana, a judge asked the state's judicial ethics advisory committee "whether a judge who engages in the personal recreational or medical use of marijuana (as opposed to commercial use) in private and in a manner compliant with the Colorado Constitution and all related state and local laws and regulations" violates the code of judicial conduct. [*Colorado Advisory Opinion 2014-1*](#). The committee concluded: because the use of marijuana is still a federal crime, a judge's use of marijuana violates the law and, therefore, violates the code of judicial conduct even if it does not violate Colorado law. The committee noted that it was only opining on whether marijuana use complies with the code, not on whether a judge who uses marijuana consistent with Colorado law should be disciplined.

Like the American Bar Association *Model Code of Judicial Conduct* and the code in every jurisdiction, in Rule 1.1(A), the Colorado code of judicial conduct requires that judges comply with the law. Although the rule does not expressly refer to federal law, the committee stated that, "it is beyond dispute that judges are required to comply with federal laws."

Unlike the model code and in a provision unique to the state, Rule 1.1(B) of the Colorado code provides that a minor violation of a criminal law does not violate Rule 1.1(A). The advisory committee explained that the language was added in 2010 to address concerns that judges could be sanctioned for "what typically are regarded as minor infractions, such as receiving a parking ticket or permitting the judge's dog to run at large." The committee noted that, under federal law, simple possession of marijuana is a misdemeanor or even an infraction punishable only by a civil penalty under some circumstances.

Nevertheless, the committee concluded, the "minor" violation exception did not permit Colorado judges to use marijuana. It advised that, "while not necessarily a 'serious' offense, it is not a 'minor' offense within the meaning of Rule 1.1(B)" because marijuana use "is significantly more serious than the parking ticket and dog at large violation," the scenarios that prompted the exception. The committee stated that the exception only applied to "violations of relatively insignificant traffic offenses and local ordinances, not state or federal drug laws."

Similarly, stating that the "requirement that a judge shall comply with the law includes federal law as well as state law and local laws," the Alaska advisory committee concluded: "As long as federal law criminalizes marijuana use, Alaska judges who choose to use marijuana violate the Alaska

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Code of Judicial Conduct.” *Alaska Advisory Opinion 2018-1*. The opinion explained that a judge’s use of marijuana in violation of federal law “would reflect a lack of respect for the law by showing a selective attitude towards the law suggesting that some are appropriate to follow but others are not.” The committee also stated that, “[p]ublic use of marijuana by a judge would . . . create an appearance of impropriety.”

The opinion noted that the personal use of marijuana in the home is protected by the right to privacy in the Alaska constitution, as interpreted by a 1975 decision. *See Ravin v. State*, 537 P.2d 494 (Alaska 1975). However, the opinion emphasized that, to preserve judges’ impartiality and ability to hear cases, the code limits many of a judge’s personal rights, for example, those related to “speech, financial endeavors, and political activity.” Thus, the opinion stated, even in their homes, judges are prohibited from using marijuana as a “reasonable and necessary” measure to preserve public confidence in the judiciary, noting that, “[o]ne never knows when an iPhone is out and ready to take a picture of a momentary indiscretion.”

Businesses

The continued illegality of marijuana use under federal law also means that judges cannot become involved in the business boom generated by state legalization. Thus, the Maryland advisory committee stated that, “as long as federal laws make the possession, use, manufacturing and/or distribution of marijuana (cannabis) illegal, a judicial appointee may not participate in the growing, processing or dispensing of the substance, regardless of the intended purpose.” *Maryland Opinion Request 2016-9*. (A “judicial appointee” in Maryland is defined as an auditor, examiner, magistrate, or district court commissioner. Because compliance with the law is required for judges as well as judicial appointees, the opinion’s advice presumably applies to judges as well.)

Similarly, the California judicial ethics committee advised that a judicial officer should not have an interest in an enterprise involved in the sale or manufacture of medical or recreational marijuana, noting that business would still be in violation of federal law even if it complies with state and local law. *California Formal Advisory Opinion 2017-10*. The committee stated that prohibited interests include a personal financial investment or private equity fund investment in such an enterprise, ownership of shares in a corporation that invests in marijuana, an interest in property that is leased for marijuana growth or distribution, and interests owned by a spouse or registered domestic partner. Noting that such an ownership interest “potentially subjects a judge to federal prosecution,” the committee stated that involvement in a marijuana business that would violate federal law is unethical even if prosecution is unlikely, because discipline can be imposed regardless whether a judge is prosecuted or convicted of a criminal offense.

The committee also concluded that a judge’s duty to keep informed about personal and financial interests to ensure compliance with disclosure and

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disqualification requirements includes a duty to make reasonable efforts to keep informed about “whether any financial or property interest that the judge maintains is being used in an enterprise that involves the sale or manufacture of marijuana.” A judge is also required, the opinion added, to divest such investments or “otherwise take steps to ensure the termination of the enterprise.”

In addition to relying on the requirement that a judge comply with the law, the California committee stated that an “interest in a marijuana enterprise may also create an appearance of impropriety and cast doubt on a judge’s ability to act impartially.” The opinion explained:

The decriminalization of certain marijuana activities in California has not eliminated state criminal investigation and prosecution for numerous marijuana crimes, such as driving under the influence or possession of large quantities of marijuana, as well as the variety of civil matters that may arise from the marijuana industry, including civil violations of state marijuana regulations, zoning, licensing, seizure or forfeiture of assets, employment disputes, landlord-tenant disputes, and contract disputes. A reasonable person could conclude that a judge who disregards applicable marijuana laws for his or her own benefit is unable to act impartially anytime the judge rules on a marijuana-related matter. For example, it may appear to a reasonable person that a judge who owned an interest in a marijuana business would be unable to act impartially in evaluating a forfeiture of assets that were earned through a marijuana business. . . .

The New York judicial ethics committee advised that a “judge may not be a founder of, or serve as an officer in, a business entity that will broker sales of state-licensed marijuana dispensaries in another state.” [*New York Advisory Opinion 2018-169*](#). The committee was responding to an inquiry from a judge who wanted to form a limited liability company with two friends that would broker sales and purchases of licensed marijuana dispensaries in another state but would not be involved in the sale or purchase of marijuana. The judge would also serve as an officer and minority shareholder but would not be involved in the company’s daily operations, which would be run by the majority shareholders.

In advising the judge against being involved in the proposed company, the committee relied on the prohibition on a judge being an officer or active participant in a business entity, which in New York applies to all types of business except for family businesses. (Different states have different restrictions on judges’ participation in businesses. Rule 3.11(B) of the model code states: “A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity” with some exceptions related to family interests.)

However, the New York committee did advise that a judge could be a minority shareholder in the company, as a purely passive investor with no other role, because the proposed company would not be buying or selling marijuana, only brokering sales of state-licensed dispensaries.

See also [*New York Advisory Opinion 2018-163*](#) (a part-time lawyer judge may provide legal services to a state-approved medical marijuana corporation);

The opinion explained that a judge’s use of marijuana in violation of federal law “would reflect a lack of respect for the law by showing a selective attitude towards the law suggesting that some are appropriate to follow but others are not.”

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Washington Advisory Opinion 2015-2 (a judge may not permit a court employee to own a medical marijuana business, even if the business fully complied with state laws and regulations, because federal law prohibits the possession, sale, and distribution of medical marijuana).

Discipline cases

Judges have been disciplined for using marijuana although the cases arose when use was still a crime in the state.

The Michigan Supreme Court censured a judge and suspended him for six months without pay for taking two puffs on a marijuana cigarette that was being passed down the aisle at a Rolling Stones concert. *In re Gilbert*, 668 N.W.2d 892 (Michigan 2003). The judge's actions were well-publicized in the local, state, and national media and were the subject of a joke on *The Tonight Show*. The judge took a voluntary leave of absence and reported his conduct to the Judicial Tenure Commission. The judge acknowledged that he used marijuana approximately twice a year. He obtained a substance abuse evaluation by the Lawyers and Judges Assistance Program, completed an in-patient substance abuse treatment program, and entered into a judicial monitoring participation agreement.

The Court concluded that the 90-day suspension recommended by the Commission with the judge's consent was insufficient because the judge had admitted using marijuana while trying, convicting, and sentencing defendants charged with marijuana offenses. In a dissent, one justice argued that, in light of the judge's "hypocrisy," only removal "would begin to repair the damage to the public's trust and confidence in the judiciary caused by his criminal misconduct and sufficiently sanction him for it."

Based on the judge's consent, the Ohio Supreme Court publicly reprimanded a judge for using marijuana. *Disciplinary Counsel v. Bowling*, 937 N.E.2d 95 (Ohio 2010). The judge had occasionally used marijuana on weekends, and in March 2008, began using it daily as self-medication to alleviate the physical and psychological effects of a stroke. In December 2008, he was cited for possession of marijuana and drug paraphernalia. By agreement, the drug paraphernalia charge was dismissed, and the marijuana charge was resolved by forfeiture of a \$168 bond. The judge did not plead guilty to and was not convicted of any crime. After being charged, the judge stopped using alcohol or marijuana or any other illegal substance, entered into a five-year contract with the Lawyers Assistance Program, and completed a detox program, an in-patient program, and a 90-day intensive out-patient program.

The Pennsylvania Court of Judicial Discipline publicly reprimanded a judge for using marijuana. *In re Toczydlowski*, 853 A.2d 24 (Pennsylvania Court of Judicial Discipline 2004). The judge had a history of personal use of marijuana going back to the mid-1990s. During several small gatherings of close friends at his residence, the judge and others used marijuana. In October 2003, the judge was charged with two counts of possession of a

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small amount of marijuana, a misdemeanor. The judge was accepted into an accelerated rehabilitative disposition program and placed on probation for 60 days. The judge successfully completed all of the conditions placed on him within 60 days.

See also *In the Matter of Marquardt*, 778 P.2d 241 (Arizona 1989) (one-year suspension without pay for conviction for possession of marijuana); *Inquiry Concerning Peters*, 715 S.E.2d 56 (Georgia 2011) (removal of judge for obtaining and consuming marijuana at least once a week for several months, in addition to unrelated misconduct); *In re Whitaker*, 463 So. 2d 1291 (Louisiana 1985) (one-year suspension without pay for smoking marijuana and associating with prostitutes, users and sellers of illegal drugs, and an individual charged with a felony); *In the Matter of Pepe*, 607 A.2d 988 (New Jersey 1992) (removal of a former judge for using marijuana and supplying marijuana to another individual on one occasion, in addition to unrelated misconduct); *In re Sherrill*, 403 S.E.2d 255 (North Carolina 1991) (removal of a former judge who pled guilty to three felony charges after being arrested for possessing marijuana, cocaine, and drug paraphernalia); [*In re Coughenour, Stipulation and Order*](#) (Washington State Commission on Judicial Conduct September 6, 1991) (public admonishment of a judge who had been charged with driving under the influence of intoxicating liquor and/or drugs and unlawful possession of marijuana under 40 grams; an order of deferred prosecution had been entered in the traffic matter); *In the Matter of Binkoski*, 515 S.E.2d 828 (West Virginia 1999) (public censure of a former judge who had pled guilty to driving under the influence of alcohol and possession of less than 15 grams of marijuana, in addition to other misconduct).

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(continued)

Fund-raising for problem-solving courts

by Cynthia Gray

Drug courts and other problem-solving courts often solicit contributions for the non-traditional aspects of their programs that may not be covered by the traditional funding sources for courts. That fund-raising, like all fund-raising, raises ethical issues for judges. *See ABA Formal Advisory Opinion 2008-452* (judges may only participate in fund-raising activities on behalf of a court, including a therapeutic or problem-solving court, that are permitted by the code of judicial conduct).

There is no exception to the prohibition on judge's personally soliciting charitable contributions that allows a judge to solicit contributions—in kind or monetary—for court-related programs. For example, a judge may not sign a letter requesting that local businesses donate “small items, such as umbrellas, gloves, hats, and gift certificates” for use as rewards and incentives for defendants in a mental health court. *Ohio Advisory Opinion 2004-13*. The Ohio committee concluded that a judge's request for even small items from businesses subject to the court's jurisdiction would undermine public confidence in the integrity and impartiality of the judiciary. Similarly, the Nevada judicial ethics committee stated that a judge may not solicit vendors for donations of cash, gift cards, or merchandise or discounts on gift cards or merchandise to be used as incentives for drug court participants. *Nevada Advisory Opinion JE2012-9*. *See also Florida Advisory Opinion 2007-18* (a judge may not ask businesses to donate gift certificates and coupons to reward good behavior by juveniles on probation).

In addition, the Ohio opinion and the Nevada opinion stated that judges' staffs are also prohibited from soliciting such donations, although the Nevada committee advised that a court's administrative office may seek donations.

Non-profit organization

The fund-raising restriction also affects judges' involvement with the non-profit organizations that are often established to support treatment courts.

For example, the Michigan advisory committee concluded that a judge may not serve as an officer, director, trustee, or non-legal advisor of a charitable organization that has the sole purpose of raising money for a court-ordered program, such as a mental health court or a drug court. *Michigan Advisory Opinion JI-139* (2013). The committee explained that “the close nexus” between the court and the organization would create the appearance of impropriety if the judge also had a leadership position with the organization, particularly if the court required participants to pay a fee to the program. Similarly, the New York judicial ethics committee concluded that, when a not-for-profit corporation or foundation had the sole purpose

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of soliciting donations for a drug treatment court, the presiding judge of that court could not be separated from the organization's fund-raising activity if the judge also served as an officer or director or helped establish the organization. [*New York Advisory Opinion 1997-83*](#).

In contrast, the Maryland committee advised that a judge could serve as a director of a non-profit corporation formed to solicit funds for a drug court as long as the judge was not involved in active or passive fund-raising. [*Maryland Advisory Opinion Request 2005-11*](#). The organization solicited funds from the community to provide participants in the drug court with incentives, such as gift certificates, and necessities, such as dental and medical care, clothing, and housing. *Accord* [*Pennsylvania Informal Advisory Opinion 5/3a/2010*](#) (a judge may, with other community leaders, form a non-profit corporation to develop a specialty court and serve on the board, but the judge should not personally participate in public fund-raising activities).

See also [*Florida Advisory Opinion 2008-17*](#) (a judge may speak about the drug court program at a fund-raiser dinner for the tax exempt non-profit corporation component of the local drug court).

Unsolicited donations

In contrast to the ban on soliciting donations, advisory opinions permit judges to accept unsolicited donations to treatment court programs from most sources. For example, the Arizona advisory committee stated that a court could "accept unsolicited monetary donations from a charitable organization to purchase and distribute incentives such as gift cards and bus passes for the sole use of participants in problem-solving courts" with some qualifications. [*Arizona Advisory Opinion 2019-1*](#). The committee emphasized that the donations would be unsolicited and would be used "for the direct and sole benefit of participants in problem-solving courts," not for the personal benefit of a judge or judicial employee or to fund a statutory mandate.

Further, the committee stated that the donations were unlikely to necessitate frequent disqualification. Noting that "charitable organizations are infrequent litigants or participants in litigation," the committee explained that, because having "incentives for litigants in problem-solving courts is useful for both the court and the participants" and the cost of such items is relatively small, any "effect on a judge's impartiality in a subsequent matter involving the donor is remote," particularly as judges, court staff, and court operations do not benefit from the donations. The opinion did add that, if a judge believes that their impartiality "might reasonably be questioned" in a subsequent matter involving the donor, the judge must recuse or follow the remittal procedure.

Similarly, the Nevada committee advised that a judge and members of the judge's staff may accept unsolicited donations to purchase incentives for a treatment court. [*Nevada Advisory Opinion JE2012-9*](#). The committee explained that the value of the gift cards or merchandise typically used

A judge may not sign a letter requesting that local businesses donate "small items such as umbrellas, gloves, hats, and gift certificates" to be used as rewards and incentives for defendants in a mental health court.

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as incentives was not sufficient to create the appearance of an attempt to influence the judge, emphasizing that the donation would benefit, not the judge, but the participants in the program. The code provisions in effect in Arizona and Nevada and interpreted in those opinions was Rule 3.13(A) of the 2007 American Bar Association *Model Code of Judicial Conduct*, which allows a judge to accept any gift unless it “would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.”

When the donor is a lawyer or law firm, however, the Florida advisory committee directed a drug court judge not to accept even unsolicited items for use as rewards to defendants/participants, such as tickets to sporting events, movie passes and gift certificates. *Florida Advisory Opinion 2007-5*. Noting that the code does not distinguish between gifts for a judge’s personal use and other gifts, the committee concluded that, “[n]otwithstanding the laudable purpose,” the “acceptance of gifts, for any purpose, from lawyers or law firms who are likely to come before the judge may exploit the judge’s judicial position, provide grounds to question the judge’s impartiality, convey or permit others to convey the impression that they are in a special position to influence the judge and create a potential for disqualification.” The opinion stated that the judge was required to instruct court personnel not to accept the donations as well. The Florida code provision interpreted by the committee prohibited judges from accepting gifts from a donor who is “a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge,” which was the bright line version of the rule on gifts from the 1990 model code.

See also *Alabama Advisory Opinion 2004-846* (a judge who presides over drug court is disqualified from a case in which one of the parties is a private entity that contributed \$150,000 to the funding of the drug court); *Arkansas Advisory Opinion 2004-1* (a drug court judge may allow funds raised by a private foundation established to fund drug courts to be used to help indigent drug court participants obtain necessary testing and treatment and may allow the foundation to include the drug court’s name in the title, but is disqualified from cases involving the foundation); *New York Advisory Opinion 1997-83* (the presiding judge of a drug treatment court may passively accept funds, goods, or services from a foundation); *ABA Formal Advisory Opinion 2008-452* (contributions to a drug court by a party or lawyer would be unlikely to constitute so significant a personal benefit to the judge as to raise the appearance of partiality, but the judge should consider the size and the importance of the contributions).

Recent cases

JUDICIAL CONDUCT REPORTER

SUMMER 2019

Willful ignorance, unreasonable credulity, and misappropriation

Two recent judicial discipline cases involved misappropriation of money – over \$11,000 by a judge from a DWI fund in one case and over \$265,000 by a judge’s friend from an estate in the other.

Based on the [presentment of the Advisory Committee on Judicial Conduct](#), the New Jersey Supreme Court publicly censured a former judge for improperly directing money from a municipal DWI fund to be disbursed to him; the Court also permanently barred him from judicial office and ordered that he pay almost \$12,000 in restitution to the state. *In the Matter of Corradino*, 208 A.2d 875 (New Jersey 2019).

A New Jersey statute creates a fund to defray the costs of additional municipal court sessions needed to expeditiously address pending and backlogged DWI cases. Guidelines require written approval from the assignment judge for the municipality prior to any disbursements from the DWI fund.

From 2009 through 2013 and in 2015, the judge, without advising his assignment judge, verbally directed the township treasurer to disburse funds “mostly to himself and, for a few years, to the municipal prosecutor and other municipal court personnel.” The judge received \$647 to \$3,001 from the DWI fund in each of those years.

The Committee noted that the judge “has asserted, at various times, inconsistent defenses,” for example, that he did not receive the annual memorandum about the DWI fund or the related guidelines, that he received them but did not read them, and that he started reading them but stopped because he “mistakenly believed he was already sufficiently educated.” The judge also claimed that “the checks and balances of the court system should have earlier detected and more explicitly alerted him to his procedural noncompliance. . . .” The Committee rejected those defenses, explaining:

Respondent, by virtue of his judicial office, was duty-bound to know and adhere his conduct to the rules and statutes that govern the municipal court, including the strictures pertaining to the operation of the DWI Fund and the attendant requirements for receipt of expenditures from same. . . . Willful ignorance of these strictures cannot reasonably serve as a defense to Respondent’s unauthorized receipt of state funds.

The Committee also concluded that, contrary to the judge’s assertion, he would not have been entitled to at least some of the DWI fund monies if he had filled out the appropriate form, noting that there was no evidence that the judge held special sessions or that his court had a backlog requiring

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special sessions. The Committee also stated that the extra work the judge claimed he performed outside of court, such as legal research and drafting opinions, would not qualify as acceptable expenditures from the DWI fund. “More importantly,” the Committee stated, the judge should not have “usurped” the assignment judge’s role in determining “what would qualify as a compensable event under the DWI Fund Guidelines.”

* * *

Based on an agreement, the Indiana Supreme Court suspended a judge without pay for 45 days for appointing an unqualified friend as trustee of a trust and personal representative of a related estate, failing to disclose their relationship, and failing to act when faced with evidence of the friend’s mismanagement and embezzlement. *In the Matter of Freese*, 123 N.E.3d 683 (Indiana 2019).

The judge has known Stephen Scott since about 1990, having worked with him in the county prosecutor’s office where Scott supervised adult protective services. The judge lunched regularly with Scott and considered him one of his closest friends. In 2004, Scott needed \$122,400 to buy a home but had poor credit after a bankruptcy. The judge used his line of credit to lend Scott the funds. On January 13, 2005, they executed and recorded a mortgage in that amount, and Scott gave the judge a promissory note.

Seventeen days later, the judge appointed Scott as trustee over the Herbert Hochreiter Living Trust. Later in 2005, Hochreiter died, an estate was opened with an estimated \$2.3 million in real and personal property, and the judge appointed Scott as personal representative of the estate. The judge never disclosed his financial arrangement with Scott.

When the estate had been pending for nearly two years, the judge advised Scott that a final report and accounting was due. Although the judge granted Scott’s request for an extension, Scott never filed a final report and accounting despite the judge’s repeated directives. In December 2009, Scott filed a partial, defective trust accounting and then sought an extension to January 29, 2010. The judge granted the extension over the objection of a beneficiary who was concerned that gold bars might be missing from the trust and that Scott had disregarded accounting requirements from the beginning.

In January 2010, Scott asked to withdraw as trustee. The beneficiaries objected to Scott resigning before submitting a complete accounting and filing tax returns and other legal documents. The judge gave Scott 30 days to respond.

Scott relocated to Florida and never responded. The judge left Scott a phone message stating that “he was concerned that Scott was behaving bizarrely, and that he ‘would never have thought [Scott] would have stolen anything.’”

The Court found that the judge “had multiple indications of Scott’s poor performance:” summonses sent to him were returned; Scott’s counsel reported that Scott was not responding; the trust checking account contained only \$8.27; its savings account had been closed when it should have

Two recent judicial discipline cases involved misappropriation of money – over \$11,000 by a judge from a DWI fund in one case and over \$265,000 by a judge’s friend from an estate in the other.

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\$50,000 to \$60,000 in cash; and a beneficiary had “filed a detailed objection and multiple rules to show cause or contempt citations against Scott.” The Court also found that the judge “‘took no action or minimal action’ on those reports.”

When the cases had been pending nearly seven years, the judge ordered Scott to appear in person and bring all financial records to a show cause hearing. When Scott failed to appear, the judge held him in contempt. After a damages hearing, the judge entered judgment against Scott, finding that there had been disbursements totaling \$157,150 to Scott’s personal accounts, \$101,217 in wire transfers or cash withdrawals not corresponding to legitimate disbursements, and an unexplained cash withdrawal of the estate’s remaining bank balance of \$6,517.08. The judge imposed punitive damages for a total judgment of \$579,784.08.

The judge never referred those findings to the local prosecutor or to the U.S. Attorney. However, in 2017, Scott pleaded guilty to federal charges related to his embezzlement. The stolen funds remain unrecovered.

The Court noted that the judge’s misconduct was mostly negligent, not willful, and involved one case, not “systemic neglect” but emphasized that it “ultimately enabled a massive theft.” The Court stated that, although, the judge subjectively trusted Scott, “objectively, Scott was utterly unqualified to be entrusted with a third party’s money; appointing him seems to have been driven by friendship, not merit.” In addition, the Court concluded that “friendship clouded the Judge’s objectivity through seven years of warning signs—making him unreasonably credulous of, and lenient towards, Scott in the face of growing evidence of serious financial misconduct. If not for the Judge’s inaction, Scott’s theft likely could have been largely prevented.”

Ex parte communication and independent investigation

Based on the recommendation of a judicial conduct panel, the Wisconsin Supreme Court suspended a judge for five days without pay for (1) initiating an ex parte communication with a prosecutor about plea negotiations in one case and (2) using the internet to independently investigate a defendant prior to sentencing in a second case. *Judicial Commission v. Piontek*, 927 N.W.2d 552 (Wisconsin 2019).

(1) The judge set a criminal case against S.S. for trial on March 4, 2015. Sometime before December 3, 2014, the prosecutor visited the judge in his chambers seeking an adjournment of the trial. On December 3, the judge telephoned the prosecutor, without including defense counsel or giving defense counsel notice. During the three-minute-and-seven-second phone call, the judge told the prosecutor that he wanted S.S.’s trial to go forward on the scheduled trial date; that any plea negotiation should include S.S. being convicted of a felony; and that people like S.S. involved “in scams like this” need to be stopped. The judge never disclosed this conversation to S.S. or S.S.’s attorney.

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In a letter to defense counsel on January 29, the prosecutor summarized his phone call with the judge. Shortly thereafter, the prosecutor gave the judge a copy of the letter. Only after receiving the prosecutor's letter did the judge recuse himself from the case.

During the Commission's investigation, the judge at least twice denied the prosecutor's assertions in the letter. Only when he filed his response to the complaint, did the judge admit that he initiated the phone call and that he made "off-handed comments about the manner in which he believed the case should be resolved."

(2) In June 2014, P.E., a former nurse, pled guilty before another judicial official to three counts of delivery of non-narcotic controlled substances. A pre-sentence investigation was ordered, and the matter was scheduled for sentencing before Judge Piontek.

Because he believed that P.E. had been untruthful in the presentence investigation, the judge independently investigated P.E.'s nursing licenses and other matters on the internet. From that research, the judge incorrectly deduced that P.E. had never been licensed as a nurse in Illinois. The judge did not provide the parties or their attorneys with notice of his intent to conduct the investigation, the nature of his investigation, or its results.

When sentencing P.E., the judge relied on the incorrect information he had obtained from the internet. When P.E. attempted to provide information about her Illinois license, the judge told her that her "lies are getting [her] in trouble," suggested that she "close [her] mouth," stated that her "license in the State of Illinois does not exist," and said that he did not want any further comment from her.

Reversing the judge's order denying resentencing, the court of appeals concluded that the record was inconsistent with the judge's assertion that he did not rely on the misinformation from his independent investigation and, therefore, that the judge had denied P.E. her right to be sentenced based on accurate information. The court remanded the case for resentencing before a different judge.

In his brief to the hearing panel, the judge stated that he had "ceased conducting any independent factual research in cases before him." Based on that statement, the panel found that his independent factual investigation in the P.E. case was not isolated.

The Court concluded that a suspension was appropriate, rather than a reprimand as requested by the judge. Although at the time of his misconduct, he had been a judge for only two years, the Court stated that his "ex parte communication with the prosecutor on the merits of a criminal case was obviously unethical; even the newest and busiest judge must know as much." The Court also noted its concern that the judge's "initial denials and later defenses of his conduct suggest that, for much of these proceedings, he failed to fully appreciate the seriousness of his misconduct and its impact on the judicial system."

The Center for
Judicial Ethics
has [links](#) to
judicial conduct
commissions
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committees.

26th National College on Judicial Conduct and Ethics

Registration is now open for the [26th National College on Judicial Conduct and Ethics](#). The College will be held **Wednesday October 23 through Friday October 25, 2019** at the EMBASSY SUITES Chicago Downtown Magnificent Mile. The room rate is \$239 for single or double occupancy, which includes breakfast.

The College provides a forum for judicial conduct commission members and staff, judges, judicial ethics advisory committees, and others to discuss professional standards for judges and current issues in judicial discipline. There is a complete description of sessions and moderators on-line. The session topics are:

PLENARY SESSION

An Art, Not a Science: Sanctions for Judicial Misconduct

BREAK-OUT SESSIONS

- Investigating and Prosecuting Sexual Misconduct Charges against Judges
- How to Teach Judges about Sexual Harassment
- Judges as Activists
- Why do Judicial Conduct Commissions Dismiss so Many Complaints?
- Ethical Judges on Social Media
- Determining the Appropriate Sanction
- International and U.S. Regulation of Judges' Use of Social Media
- Best Practices for Judicial Conduct Commissions
- Introduction to Judicial Ethics and Discipline for New Members of Judicial Conduct Commissions
- The Role of Public Members

There is a link from the College registration site to the hotel reservation site. If you have any questions about registration, contact Alisa Kim at akim@ncsc.org or (303) 308-4340.