



The 22nd National College on Judicial Conduct and Ethics

October 26-28, 2011 • Chicago

The American Judicature Society Center for Judicial Ethics will hold its 22nd National College on Judicial Conduct and Ethics on October 26-28, 2011, at the Wyndham Chicago. The National College provides a forum for judicial conduct commission members and staff, judges, judicial ethics advisory committees, and attorneys to learn about and discuss professional standards for judges and current issues in judicial discipline.

The College will begin Wednesday October 26 with reg-

istration and a reception. Thursday morning there will be a plenary session, followed by concurrent break-out sessions through Friday noon. The topics for discussion are described below. The Center will apply for certification for continuing legal education credit for the College.

The \$325 registration fee (\$350 beginning August 26) includes one set of conference resource materials, the reception, and Thursday luncheon. College registration is also available on-line at www.ajs.org/ethics/College.asp.

Plenary Session

A Conversation about Judicial Disqualification: Reasonable People Discuss Impartiality

Several recent high profile state and federal cases have attracted national attention to the challenge of assuring the public that judicial decisions are being made by impartial judges, with increasing interest in how a disqualification determination will be made and who will be making it. With help from the audience, the panelists for this session will consider a wide range of issues, such as, whether judges should explain their disqualification decisions, whether motions to disqualify should be transferred to another judge, when campaign contributions should result in dis-

qualification, whether there is a duty to sit, and, for purposes of the appearance of impartiality standard, who is a reasonable person and what does he or she know. **Facilitators:** *Richard E. Flamm*, Law Offices of Richard E. Flamm, Berkeley, California; Author, *Judicial Disqualification: Recusal and Disqualification of Judges* • *Peter D. Webster*, President-Elect, American Judicature Society; shareholder partner Carlton Fields, Tallahassee; Former Judge, Florida First District Court of Appeal • *Cynthia Gray*, Director, American Judicature Society Center for Judicial Ethics.

Break-out Sessions

Appearance of Impropriety

This session will review the use and possible misuse of the appearance of impropriety standard in judicial ethics advisory opinions and judicial discipline decisions and debate whether the rule is unfairly vague or necessary and appropriate. **Facilitators:** *Raymond J. McKoski*, Retired Judge, 19th Judicial Circuit Court; Member, Illinois Judicial Ethics Committee • *Robert H. Tembeckjian*, Administrator and Counsel, New York State Commission on Judicial Conduct.

Big Money and Judicial Elections

The U.S. Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission*, which lifted limits on corporate and third-party campaign spending, is already having an effect in judicial elections, particularly retention elec-

tions. This session will discuss the threat to judicial independence posed by campaign attacks funded by third-party interests and consider the interplay between *Citizens United*, the decision on disqualification in *Caperton v. A.T. Massey Coal Co.*, and the challenges to restrictions on judicial candidates following *Republican Party of Minnesota v. White*. Participants will share and develop tools judicial candidates, campaign oversight committees, and others can use to ethically and effectively respond to third-party efforts to unseat judges. **Facilitators:** *Marla N. Greenstein*, Executive Director, Alaska Commission on Judicial Conduct • *Robert P. Cummins*, The Cummins Law Firm P.C.; Chair, Illinois Supreme/Appellate Court Election Campaign Tone and Conduct Committee.

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COLLEGE REGISTRATION FORM

22nd National College
on Judicial Conduct and Ethics
October 26-28, 2011
Wyndham Chicago

College registration also
available on-line at
www.ajs.org/ethics/College.asp

Name _____

Title _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Email: _____

Organization you represent _____

First name as you would like it on your name badge _____

Registration fee is not refundable unless cancellation is received in writing prior to **October 15, 2011**.

Registration Fee: \$325 a person prior to August 26; \$350 beginning August 26 \$ _____

Please check the appropriate box(es)

I plan to attend the reception Wednesday, Oct. 26

I will be bringing a guest to the reception

I plan to attend the luncheon Thursday, Oct. 27

I will be bringing a guest to the luncheon Thursday, Oct. 27

(Guest tickets for luncheon \$35 each) \$ _____

TOTAL: \$ _____

Guest name _____

Please make check or money order payable to: American Judicature Society

Charge my Visa MasterCard American Express

Card Number _____ Exp. date _____

Signature _____

Name and billing address on card if different from above _____

Return this form with your payment to:

Krista Maeder, kmaeder@ajs.org
American Judicature Society
The Opperman Center at Drake University
2700 University Avenue
Des Moines, IA 50311
(800) 626-4089, Fax (515) 279-3090

**Room reservations
must be made directly
with the hotel.**

Determining the Appropriate Sanction

Examining recent judicial discipline cases, this session will review the criteria for imposing sanctions and discuss issues such as the relevance of a judge's failure to express remorse and when removal is appropriate. Participants will "vote" on what sanctions they would have imposed in actual judicial discipline cases. **Facilitators:** *Steven Scheckman*, Schiff, Scheckman & White LLP; General Counsel, Ethics Review Board of the City of New Orleans • *Judge James R. Wolf*, First District Court of Appeal; Member, Florida Judicial Qualifications Commission.

Judges' Personal Relationships: On-Line and Face-to-Face

There have always been friendships between judges and lawyers, but the redefinition of "friend" as a verb in social media has brought new attention to the ethical implications of those relationships. This program will address at what point a judge's personal relationship with an attorney requires the judge to disqualify and will cover the advice ethics committees have given judges to ensure that their use of new technologies does not conflict with traditional principles of judicial impartiality, integrity, and independence. **Facilitators:** *Ruth Bope Dangel*, Former Senior Staff Counsel, Ohio Board of Commissioners on Grievances and Discipline • *Judge M. Sue Kurita*, Judge, County Court at Law #6; Member, Texas State Commission on Judicial Conduct.

Judicial Ethics in Problem-Solving Courts

Hundreds of special courts have been established to try a different approach to problems such as drug addiction, domestic violence and mental illness. This session will consider the ethical issues raised for judges who preside in these courts where their role differs significantly from the judge's role in traditional courts. Among the topics to be considered: ex parte communications, demeanor, fund-raising, and relationships with service providers. **Facilitators:** *Judge Don Ash*, Judge, 16th Judicial District; Presiding Judge, Tennessee Court of the Judiciary • *Judge Royal I. Hansen*, Associate Presiding Judge, 3rd District Court; Member, Utah Judicial Conduct Commission.

Investigating "Judge Judy:" A Judicial Discipline Case Study

In 2010, based on a recommendation by the State Commission on Judicial Conduct, the Washington Supreme Court suspended Judge Judith Eiler for five days without pay for deriding and rudely and impatiently interrupting prose litigants who appeared before her. This session will

describe how the case got there — from the initial complaints against the judge in 2004, through an agreed disposition in 2005, to renewed complaints about her conduct beginning in 2006, followed by the Commission's investigation, hearing, and findings, and then the Court's review. Procedural variations among the state commissions will be identified. **Facilitators:** *Kurt Twitty*, Senior Investigative Counsel, Washington State Commission on Judicial Conduct • *Victoria B. Henley*, Director-Chief Counsel, California Commission on Judicial Performance.

The Line Between Legal Error and Judicial Misconduct

Although mere legal error or abuse of discretion by a judge does not violate the code of judicial conduct, "something more" can transform legal error into judicial misconduct and subject a judge to discipline for a decision that may be subject to appeal. This session will review cases in which a finding of misconduct was based on legal error and cases in which legal error was not sanctioned to draw the line and describe the exceptions. **Facilitators:** *Randall D. Roybal*, Executive Director, New Mexico Judicial Standards Commission • *Cynthia Gray*, Director, American Judicature Society Center for Judicial Ethics.

The Role of Public Members

Participants will share their experiences as public members of judicial conduct commissions and discuss what impact their perspective has on deliberations, training, and the perception of the commissions by the public and judges. **Facilitators:** *Rosemary J. Corley*, Member, Massachusetts Commission on Judicial Conduct; *Dr. Daryl Yost*, Former Member, Indiana Commission on Judicial Qualifications.

Introduction to the Canons for New Members of Judicial Conduct Commissions

This session will give new members of judicial conduct commissions an overview of the ethical standards they will be enforcing and focus on those provisions that result in the most judicial discipline cases. **Facilitators:** *James C. Alexander*, Executive Director, Wisconsin Judicial Commission • *Judge Randall L. Cole*, Presiding Circuit Judge for the 9th Judicial Circuit; Member, Alabama Judicial Inquiry Commission.

www.ajs.org/ethics/College.asp



HOTEL INFORMATION

22nd National College on Judicial Conduct and Ethics

October 26-28, 2011

Wyndham Chicago

633 North St. Clair, Chicago, IL 60611

800-996-3426, www.ajs.org/ethics/College.asp

Room rate for National College block

Single rate – 1 person — \$219 + 15.4% tax

Double rate – 2 persons — \$229 + 15.4% tax

Triple rate – 3 persons — \$249 + 15.4% tax

Quad rate – 4 persons — \$269 + 15.4% tax

When making reservations, you must use the **group code “National College”** to obtain the negotiated rate. Registration cut off date is **September 23, 2011**. After the room block is filled OR after September 23, 2011, whichever comes first, the hotel will accept reservations on a space-available basis only and may charge a higher rate.

If rooms are available, rooms may be booked at College rates for October 23–30, 2011.

Rates includes a breakfast buffet served in the hotel’s Caliterra Restaurant.

Reservations may be made by calling (800) 996-3426 or by clicking on the hotel reservation link at www.ajs.org/ethics/College.asp. The hotel will not accept faxed reservations. For room amenities, visit the Wyndham Chicago website at <http://www.wyndham.com/hotels/>. Wyndham Chicago is located on the corner of St Clair and Erie.

If you have any difficulties making reservations, please contact Krista Maeder at kmaeder@ajs.org or 800-626-4089.

Check-in time is 4:00 p.m. Check-out time is 11:00 a.m.

All reservations require one night’s deposit/guarantee by the reservation cut-off date. Cancellations are accepted up to 72 hours prior to arrival, and deposit is refunded if cancellation is given by deadline. An early departure charge equal to the guest’s rate plus tax will be applied if guest departs prior to reserved date verified at check-in.

You must register for the College and the hotel separately. Links for both can be found at www.ajs.org/ethics/College.asp.