



NEWS RELEASE

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Conference of Chief Justices: “Appearance of Impropriety” Must Remain Enforceable in the Model Code of Judicial Conduct

New Orleans (Feb. 7, 2007) – The Conference of Chief Justices (CCJ) voted Wednesday to oppose an American Bar Association Commission report on revising the Model Code of Judicial Conduct, in light of the Commission’s decision to abandon the “appearance of impropriety” as a basis for disciplinary action. CCJ adopted a Resolution urging the ABA’s House of Delegates to return to the rule about “appearance of impropriety” which has prevailed since 1924, and then to act expeditiously on the Joint Commission’s Report so that it could be considered by the individual states.”

CCJ adopted the Resolution as it concluded its midyear education and business meeting in New Orleans. The Conference is composed of the highest judicial officers of each state, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the Territories of American Samoa, Guam and the Virgin Islands. CCJ’s mission is to provide education and consultation among judicial leaders on issues related to improving the administration of justice. The National Center for State Courts serves as secretariat to the Conference.

Chief Judge Robert M. Bell of the Maryland Court of Appeals and the President of the Conference of Chief Justices said: “While we are pleased that the Joint Commission has worked closely with the Conference of Chief Justices during the revision process, we are disappointed that the original draft of the proposed revision has been amended at the last minute to eliminate ‘appearance of impropriety’ as a basis for disciplinary enforcement.

“The Conference is of the view that this longstanding concept should remain in the Model Code both as an aspirational goal for judges and the basis for disciplinary enforcement,” Chief Judge Bell said.

For nearly four years the ABA Joint Commission has been evaluating and conducting hearings on how the Model Code of Judicial Conduct should be revised. The commission’s recommended revisions will go before the ABA’s House of Delegates, which meets next week in Miami, for approval.

The National Center for State Courts, headquartered in Williamsburg, VA, was founded in 1971 by court leaders and with the support of Chief Justice Warren E. Burger of the U.S. Supreme Court.