

General Judicial Ethics: Temporary Judges

Quick Tips

Goals of the Code of Judicial Ethics

- To ensure that everyone representing the court adheres to the highest standards of conduct.
- To ensure integrity in the decision-making process.

Applicable canons

Canon 6D of the *Code of Judicial Ethics* lists the rules that apply to temporary judges, referees, and court-appointed arbitrators.

A. Canons that apply only while you are presiding over a particular case

Canon 6D(1) lists the following canons that apply while the temporary judge is actually presiding over a case or communicating with parties, counsel, or court personnel in the role of temporary judge.

- **Canon 1** A judge shall help establish, maintain, and enforce high standards of conduct, and shall personally observe those standards.
- **Canon 2A** A judge shall a) comply with the law and b) act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
Note: Temporary judges are not permitted to use the “temporary judge” title in connection with any political activity.
- **Canon 3B(3)** A judge shall require order and decorum in the courtroom.
- **Canon 3B(4)** A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, etc., and shall require the same from others under the judge’s control.
- **Canon 3B(6)** A judge shall require that lawyers refrain from manifesting, by words or conduct, prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.
- **Canon 3D(1)** Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority.
- **Canon 3D(2)** Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action.

B. Canons that apply from time of appointment to formal termination

- **Canon 2B(1)** A judge shall *not* a) allow personal relationships to influence the judge's judicial conduct or judgment, b) convey or permit others to convey the impression that any individual is in a special position to influence the judge.
- **Canon 3B(1)** A judge shall hear and decide all assigned matters except when disqualified.
- **Canon 3B(2)** A judge shall a) be faithful to the law regardless of partisan interests, publicity, or fear of criticism, and b) maintain professional competence in the law.
- **Canon 3B(5)** A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as a) bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, or b) sexual harassment.
- **Canon 3B(7)** A judge shall accord everyone with a legal interest in a proceeding, or that person's lawyer, full legal right to be heard. This especially comes into play with self-represented litigants.
- **Canon 3B(8)** A judge shall dispose of all judicial matters fairly, promptly, and efficiently.
- **Canon 3B(12)** A judge shall remain impartial and not engage in coercive conduct during efforts to resolve disputes.

C. Canons that address administrative duties

- **Canon 3C(1)** A judge shall diligently discharge the judge's administrative responsibilities impartially, on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity of the judiciary.
- **Canon 3C(2)** A judge shall maintain professional competence in judicial administration, and shall cooperate with other judges and court officials in administration of court business. This includes being on time, conferring with the supervising judge about administrative issues, and not dumping or refusing to handle cases simply because you don't like them.
- **Canon 3C(3)** A judge shall require staff and court personnel under the judge's direction and control to observe appropriate standards of conduct and to refrain from manifesting bias or prejudice based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.
- **Canon 3C(5)** A judge shall not make unnecessary court appointments. A judge shall exercise the power of appointment impartially, on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity of the judiciary. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees above the reasonable value of services rendered.

D. Canons directed specifically at temporary judges, referees, and court-appointed arbitrators

- **Canon 6D(2)(b)** A temporary judge shall not personally solicit memberships or donations for religious, service, educational, civic, or charitable organizations from parties and lawyers appearing before the temporary judge.
- **Canon 6D(2)(c)** Under no circumstance accept a gift, bequest, or favor if the donor is a party, person, or entity whose interests are reasonably likely to come before the temporary judge, referee, or court-appointed arbitrator. A temporary judge, referee, or court-appointed arbitrator shall discourage members of the judge's family residing in the judge's household from accepting benefits from parties who are reasonably likely to come before the temporary judge, referee, or court-appointed arbitrator.

E. A canon that applies from the beginning of a case through final appeal

- **Canon 6D(6)** A temporary judge, referee, or court-appointed arbitrator, from the time of notice and acceptance of appointment until the case is no longer pending in any court, shall not make any public comment about a pending or impending proceeding in which the temporary judge, referee, or court-appointed arbitrator has been engaged, and shall not make any nonpublic comment that might substantially interfere with such proceeding. The temporary judge, referee, or court-appointed arbitrator shall require similar abstention on the part of staff and court personnel subject to his or her control.

F. A canon that applies from time of appointment until two years after a particular case is no longer pending in any court

- **Canon 6D(7)** From the time of appointment and continuing for two years after the case is no longer pending in any court, a temporary judge, referee, or court-appointed arbitrator shall under no circumstances accept a gift, bequest, or favor from a party, person, or entity whose interests have come before the temporary judge, referee, or court-appointed arbitrator in the matter. The temporary judge, referee, or court-appointed arbitrator shall discourage family members residing in the household of the temporary judge, referee, or court-appointed arbitrator from accepting any benefits from such parties, persons or entities during the time period stated in this subdivision. The demand for or receipt by a temporary judge, referee, or court-appointed arbitrator of a fee for his or her services rendered or to be rendered shall not be a violation of this canon.

G. Canons that apply indefinitely from time of appointment

- **Canon 6D(8)(a)** A temporary judge shall refrain from disclosing nonpublic information acquired in a judicial capacity, except as required by law.
- **Canon 6D(8)(b)** A temporary judge a) shall not commend or criticize jurors for their verdict other than in a court order or opinion in such proceeding, b) may express appreciation to jurors for their service.

- **Canon 6D(9)(a)** A temporary judge shall not use his or her title or service as a temporary judge a) as a description of the lawyer's current or former principal occupation on a ballot for judicial or other elected office, b) in an advertisement about the lawyer's law firm or business, or c) on a letterhead, business card, or other document distributed to the public that identifies the lawyer or firm.
- **Canon 6D(9)(b)** A temporary judge may use title or service as a temporary judge a) on an application to serve as a temporary judge, b) on an application for employment or for an appointment to a judicial position, c) on an individual resume, d) for appointment or election to a judicial position, and e) in response to a request for information about the public service in which the lawyer has engaged.

H. Canons that limit your conduct as an attorney while serving as a temporary judge

- **Canon 6D(11)** A lawyer who has been a temporary judge in a matter shall not accept any representation relating to the matter without the informed written consent of all parties.
- **Canon 6D(12)** When, by reason of serving as a temporary judge, he or she has received confidential information from a party, the temporary judge shall not, without the informed written consent of the party, accept employment in another matter in which the confidential information is material.