

**CODE OF CONDUCT FOR UNITED STATES JUDGES
(Proposed Revised Code Submitted to the Judicial Conference, March 2009)**

Summary of Revisions

The proposed revised Code of Conduct for United States Judges was developed by the Judicial Conference Committee on Codes of Conduct. The most significant proposed revisions are as follows:

- Canon 2B, advising judges not to allow various forms of influence on judicial conduct, is modified to describe additional forms of impermissible influence and to clarify that the restrictions extend to a judge's own interests as well as the interests of others;
- the test for an appearance of impropriety in the commentary to Canon 2A is expanded to address concerns beyond judges' adjudicative responsibilities;
- the provisions governing ex parte communications in Canon 3A(4) are reorganized and additional detail is added;
- the public comment provision in Canon 3A(6) is revised to clarify that it restricts comment on matters pending in any court;
- Canon 3B(2) is simplified to advise judges against directing court personnel to engage in conduct that would contravene the Code if undertaken by the judge;
- more focused phrasing is added to current Canon 3B(3) (new Canon 3B(5)), requiring judges to take appropriate action when a judge's conduct contravenes the Code of Conduct or an attorney violates rules of professional conduct, and the associated commentary expands on the forms of appropriate action judges may take;
- new commentary to Canon 3C is added advising that recusal considerations applicable to a spouse should also be considered when a judge has a relationship with a person other than a spouse that is similarly close;
- new commentary to Canon 3C(1)(c) is added clarifying the circumstances in which judges must recuse due to a financial interest in a victim of a crime;
- Canon 3C(4), governing divestitures in situations where judges have devoted substantial judicial time to a matter, is simplified and applied to all divestitures, irrespective of the amount of judicial time expended;

- current Canons 4, 5, and 6 are combined in a single new Canon 4, overlapping provisions (including those addressing fund raising and use of staff and chambers) are consolidated and shortened, and the provisions are revised to adopt an affirmative format in which permitted activities are described first, followed by restrictions;
- new commentary to Canon 4A(4) is added indicating that judges generally may not mediate state court matters;
- the distinctions in current Canon 4C and 5B(2) between law-related and non-law-related fund-raising activities are combined in new Canon 4C and revised to permit judges the same latitude for both sorts of activities and to refine and simplify the guidance;
- the restriction on financial activities that lead to frequent disqualifications contained in current Canon 5C(3) is relocated to new Canon 4 and extended to all activities that have this effect;
- current Canon 5C(4) (new Canon 4D(4)) is shortened by replacing the summary of the Judicial Conference Gift Regulations with a reference to the regulations; the associated commentary, stating that judges may accept gifts of travel expense reimbursement for law-related events, is deleted as the subject is fully addressed in the regulations; and
- current Canon 5G (new Canon 4F) and its commentary, restricting government appointments, are simplified.

Additional handouts: Revised Code effective 7/1/2009
Cross Reference Table