

Change #2000(2)

COLORADO CODE OF JUDICIAL CONDUCT (Appendix to Chapter 24)

Canon 4. A Judge Is Encouraged To Engage In Quasi-Judicial Activities To Improve The Law, The Legal System, And The Administration Of Justice

Canon 5. A Judge Is Encouraged To Participate In Extra-Judicial Activities

Canon 7. A Judge Should Refrain From Political Activity Inappropriate To His Or Her Judicial Office

CANON 4

A JUDGE MAY ENGAGE IN

A JUDGE IS ENCOURAGED TO ENGAGE IN QUASI-JUDICIAL
ACTIVITIES TO IMPROVE THE LAW,
THE LEGAL SYSTEM, AND
THE ADMINISTRATION OF JUSTICE

~~A judge, subject~~ Subject to the proper performance of his or her judicial duties, ~~may~~ judge is encouraged to engage in the following quasi-judicial activities, if ~~in doing~~ so doing, the judge does not ~~cast doubt on~~ compromise his or her capacity to decide impartially any issues that may come before the ~~judge~~ judge.

~~A. A judge may~~ A. A judge is encouraged to speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice, including the role of the judiciary as an independent branch within our system of government.

~~B. A judge may~~ B. A judge may consult with, or appear at a public hearing before, an executive or legislative body, or an official thereof, on matters concerning the law, the legal system, ~~and the administration of justice, and the~~ judge may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice. role of the judiciary as an independent branch within our system of government.

~~C. A judge may~~ C. A judge is encouraged to serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, the judicial branch or the administration of justice. A judge may assist such an organization in ~~raising funds and may~~ its fund-raising efforts; he or she ~~may also~~ participate in its management and investment, but ~~should~~ shall not personally ~~participate in public fund raising activities.~~ solicit funds for such an organization. A judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

COMMENTARY

This canon is clarified in order to encourage judges to engage in quasi-judicial activities. As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of ~~justice, including~~ justice. This includes revision of substantive and procedural ~~law and improvement of criminal and juvenile justice.~~ ~~To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated~~ law, the improvement of civil, criminal, domestic relations, probate and juvenile justice, and the role of the judiciary as an independent branch of government. Support of pro bono legal services by members of the bench is also an activity that relates to the improvement of the law. administration of justice. Accordingly, a judge may engage in activities intended to encourage attorneys to perform pro bono services, including, but not limited to: participating in events to recognize attorneys who do pro bono work, establishing general procedural or scheduling accommodations for pro bono attorneys as feasible and acting in an advisory capacity to pro bono programs.

Extra-judicial activities are governed by Canon 5 and some of the commentary to Canon 5 may relate to this Canon 4 as well.

CANON 5

~~A JUDGE SHOULD REGULATE A JUDGE IS ENCOURAGED TO PARTICIPATE IN EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS OR HER JUDICIAL DUTIES~~

~~A. Avocational~~ A. Avocational Activities. A judge ~~may~~ is encouraged to write, lecture, teach, and speak on nonlegal subjects, and to engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the judge's office or interfere with the performance of judicial duties.

COMMENTARY

Complete separation of a judge from extra-judicial activities is neither possible nor ~~wise; a~~ wise. A judge should not become isolated from the ~~society~~ community in which the judge lives. For that reason, judges are encouraged to participate in extra-judicial community activities.

~~B. Civic~~ B. Civic and Charitable Activities. A judge ~~may~~ is encouraged to participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, social or civic organization if not conducted for the economic or political advantage of its members, subject to the following limitations:

~~(1) A~~ (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

COMMENTARY

The changing nature of some organizations and of their relationship to the law makes it necessary for a judge ~~regularly~~ regularly to reexamine regularly the activities of each organization with which the judge is affiliated in order to determine if it is proper for the judge to continue his or her relationship with ~~it.~~ For example, in many jurisdictions it, charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

~~(2) A judge should not~~ (2) A judge shall not personally solicit funds for any educational, religious, charitable, fraternal, social or civic organization, or use or permit the use of the prestige of the judge's office for that ~~purpose, but~~ purpose. However, a

judge may serve and be listed as an officer, director, ~~or trustee of such an organization.~~ ~~A judge should not be a speaker or the guest of honor at~~ trustee, or nonlegal advisor of an educational, ~~an organization's fund-raising events, but may attend such events.~~

~~—(3) A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.~~ religious, charitable, fraternal, social or civic organization and may assist in the planning and organizing of fund-raising events and attend those events. However, a judge should not be placed in the position of directly soliciting funds for an organization as the featured speaker at fund-raising events.

COMMENTARY

This canon is clarified in order to encourage judges to participate in extra-judicial activities. A judge is prohibited from selling tickets to fund-raising events. However, a judge is not prohibited from participating in the planning and organizing of fund-raising events through the judge's role as an officer, director, trustee, or nonlegal advisor of the organization on which the judge serves. The judge also is not prohibited from attending fund-raising events and assisting in those aspects of the events that do not involve the personal solicitation of funds. Personal solicitation of funds for an educational, religious, charitable, fraternal, social or civic organization not conducted for profit involves the danger that the person solicited will feel obligated to respond favorably if the solicitor is a judge. In addition, a judge shall not personally participate in membership solicitation for an organization if the solicitation is essentially a fund-raising mechanism. A judge may be the recipient of an award at a fund-raising event, so long as the giving of the award to that judge is not the featured purpose of the event.

—(3) A judge should not give investment advice to any extra-judicial organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

COMMENTARY

—A judge's participation in an organization devoted to quasi-judicial activities is governed by Canon 4.

PLEASE NOTE: THE REMAINDER OF CANON 5 REMAINS UNCHANGED.

CANON 7

A JUDGE SHOULD REFRAIN
FROM POLITICAL ACTIVITY INAPPROPRIATE
TO HIS OR HER JUDICIAL OFFICE

A. Political Conduct in general.

(1) A judge shall not:

(a) [no change]

(b) [no change]

(c) [no change]

(d) engage in any other political activity except on behalf of measures to improve the law, the legal system, ~~or~~ the administration of justice, or the role of the judiciary as an independent branch of government. or except as permitted in subsection B.

PLEASE NOTE: THE REMAINDER OF CANON 7 REMAINS UNCHANGED.

Amended and Adopted by the Court, En Banc, February 3, 2000, effective immediately.

BY THE COURT:

Rebecca Love Kourlis
Justice, Colorado Supreme Court