

Colorado Code of Judicial Conduct

CANON 1

A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2

A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THE JUDGE'S ACTIVITIES

A. A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family, social, or other relationships to influence the judge's judicial conduct or judgment. A judge should not lend the prestige of his or her office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence him or her. A judge should not testify voluntarily as a character witness.

C. A judge shall not hold membership in any organization that the judge know practices invidious discrimination on the basis of race, gender, religion, or national origin.

CANON 3

A JUDGE SHOULD PERFORM THE DUTIES OF HIS OR HER OFFICE IMPARTIALLY AND DILIGENTLY

The judicial duties of a judge take precedence over all his or her other activities. A judge's judicial duties include all the duties of his or her office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interest, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him or her.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom a judge deals in his or her official capacity, and should require similar conduct of lawyers, and of a judge's staff, court officials, and others subject to the judge's direction and control.

(4) A judge should accord to every person who is legally interested in a proceeding, or his or her lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. A judge, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) A judge may authorize:

(a) The use of electronic or photographic means for the perpetuation of a record, or for purposes of judicial administration;

(b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.

(8) Judicial Supervision over Expanded Media Coverage of Court Proceedings. A judge may authorize expanded media coverage of court proceedings, in addition to those referred to in section (7) of this Canon, subject to the guidelines set forth below.

(a) Definitions. As used in this section, unless the context otherwise requires:

(I) "Proceeding" means any trial, hearing, or any other matter held in open court that the public is entitled to attend.

(II) "Photograph" and "photography" means all recording or broadcasting of visual images, by means of still photographs, videotape, television broadcasts, motion pictures, or otherwise.

(III) "Expanded media coverage" means any photography or audio recording of proceedings.

(IV) "Judge" means the justice, judge, referee, or other judicial officer presiding over the proceedings. In proceedings with more than one judge presiding, any decision required shall be made by a majority of the judges.

(V) "Media" means any news gathering or reporting agency and the individual persons involved, and includes newspapers, radio, television,

radio and television networks, news services, magazines, trade papers, in-house publications, professional journals, or any other news reporting or news gathering agency whose function it is to inform the public or some segment thereof.

(b) Standards for Authorizing Coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

(I) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;

(II) whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and

(III) whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

(c) Limitations on Expanded Media Coverage. Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:

(I) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;

(II) expanded media coverage of jury voir dire;

(III) audio recording or "zoom" closeup photography of bench conferences;

(IV) audio recording or closeup photography of communications between counsel and client or between co-counsel;

(V) expanded media coverage of in camera hearings;

(VI) closeup photography of members of the jury.

(d) Authority to Impose Restrictions on Expanded Media Coverage. A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Canon or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial may be prejudiced by such coverage if it is allowed to continue.

(e) Conditions for Coverage. Expanded media coverage shall be conducted only under the following conditions:

(I) Equipment Limitations.

(aa) Video. Only one person at a time shall be permitted to operate a videotape, television, or motion picture camera. There shall be only one such camera at a time in the courtroom, except that, at the discretion of the judge, the camera operator may have a second camera. The camera operator may use a tripod, but shall not change location while court is in session.

(bb) Audio. The court's audio system shall be used if technically suitable and, in that event, there must be no interference with the court's use of its system. If the court's system is not technically suitable, then the person conducting expanded media coverage may install an audio recording system at his or her own expense upon first obtaining approval of the judge. All microphones and related wiring shall be unobtrusive and shall not interfere with the movement of those in the courtroom.

(cc) Still Cameras. Only one person at a time shall be permitted to operate still cameras, which shall make as little noise as possible. The still photographer may use a tripod, but shall not change location while court is in session.

(dd) Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted during a proceeding. No modification or addition of lighting equipment shall be permitted without the permission of the judge.

(ee) Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

(II) Pooling Arrangements. The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage listed in subsection (I) of this section, and for arranging an open and impartial distribution scheme with a distribution point located outside of the courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling agreement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.

(III) Conduct of Media Representatives. Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the

decorum and dignity of the courtroom. The following practices shall apply:

(aa) Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;

(bb) identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information;

(cc) equipment use to provide expanded media coverage shall not be placed in, or removed from, the courtroom while court is in session. No film, videotape, or lense shall be changed within a courtroom while court is in session.

(f) Procedures. The following procedures shall be followed in obtaining authorization for expanded media coverage:

(I) Request for Expanded Media Coverage. A written request shall be submitted to the judge at least one day before expanded media coverage is requested to begin, unless a longer or shorter time is required or permitted by the judge. Copies of the request shall be given to counsel for each party participating in the proceeding. The request shall include the following:

(aa) The name, number, date, and time of the proceeding;

(bb) the type (audio, video, or still photography) of expanded media coverage requested and a description of the pooling arrangements required by section (e)(II), including the identity of the designated representatives.

(II) Objections. Any party or witness may lodge with the judge a written objection to expanded media coverage of all or a portion of a proceeding.

(III) Judicial Authorization. The judge shall rule on a request or objection within a reasonable time prior to the proceeding or promptly after the request or objection if the proceeding has begun. The ruling shall be made on the record and the reasons therefor set forth briefly.

(IV) The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials and other subject to the judge's direction and control to do so.

(10) A judge shall attempt, to the extent practicable, to make certain that lawyers in proceedings before the judge abide by their duties under the Colorado Rules of Professional Conduct and, in particular, to refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel, or others. This Section 3 A. (10) does not preclude legitimate advocacy when race, gender, religion, national origin, disability, age sexual orientation, socioeconomic status, or other similar factors, are issues in the proceeding.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his or her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his or her staff and court officials subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. A judge should exercise his or her power of appointment only on the basis of merit, avoiding nepotism and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered.

C. Disqualification.

(1) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) A judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) a judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(c) A judge knows that he or she, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) a judge or his or her spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(I) Is a party to the proceeding, or an officer, director, or trustee of a party;

(II) is acting as a lawyer in the proceeding;

(III) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(IV) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) A judge should inform himself or herself about the judge's personal and fiduciary financial interests, and make a reasonable effort to inform himself or herself about the personal financial interests of the judge's spouse and minor children residing in the judge's household.

(3) For the purposes of this section:

(a) The degree of relationship is calculated according to the civil law system;

(b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(c) "financial interest" is defined as ownership of more than a one percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding five thousand dollars, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(I) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(II) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(III) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the

outcome of the proceeding could substantially affect the value of the interest;

(IV) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

D. Remittal of Disqualification--Trial Court and Court of Appeals Judges. A judge who is or may be disqualified by the terms of Canon 3C may, instead of withdrawing from the proceeding, disclose on the record the basis of the judge's disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that the judge's financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding. E. Remittal of Disqualification--Justices of the Supreme Court.

(1) A justice who is or may be disqualified by the terms of Canon 3C may, instead of withdrawing from the proceeding, disclose in writing the basis of the justice's disqualification, and ask the parties to consider whether they wish to waive disqualification. The justice shall not participate in the parties' discussions and shall require the parties to hold their discussions outside the presence of the justice. The justice shall not comment in any manner on the merits or advisability of waiver, other than to explain the right of disqualification or to further elucidate the ground or grounds of disqualification if requested by the parties. The justice is permitted to advise the parties that he or she is willing to participate in the case with the agreement of all the parties.

(2) The justice may ask the parties to affirmatively indicate their position on the justice's disqualification, or give the parties a reasonable length of time to waive disqualification by advising the parties either

(a) that their failure to act will be construed as a decision to waive the potential disqualification, or

(b) that their failure to act will be construed as a decision not to waive the potential disqualification. An attorney, on behalf of his or her client, may make the decision without consulting the client if the client is not present or readily available, or if the attorney decides that consultation is unnecessary.

F. Rule of Necessity. The rule of necessity is an exception to the principle that every litigant is entitled to be heard by a judge who is not subject to any disqualifications which might reasonably cause the judge's impartiality to be questioned. The rule of necessity has been invoked where disqualifications exist as to all or a majority of the members of the court that would normally hear a matter. Rather than deny a party access to court, judicial disqualification yields to the demands of necessity.

CANON 4

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

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

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 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, the administration of justice, and the role of the judiciary as an independent branch within our system of government.

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 its fund-raising efforts; he or she may also participate in its management and investment, but shall not personally 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.

CANON 5

A JUDGE IS ENCOURAGED TO PARTICIPATE IN EXTRA-JUDICIAL ACTIVITIES

A. Avocational Activities. A judge 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.

B. Civic and Charitable Activities. A judge 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 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.

(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. However, a judge may serve and be listed as an officer,

director, trustee, or nonlegal advisor of an educational, 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.

(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.

C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.

(2) Except as provided for in Canon 8 (Applicability), and subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity, but should not serve as an officer, director, manager, advisor, or employee of any business.

(3) A judge should manage his or her investments and other financial interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, the judge should divest himself or herself of investments and other financial interests that might require frequent disqualification.

(4) Neither a judge nor a member of the judge's family residing in the judge's household should accept a gift, bequest, favor, or loan from anyone except as follows:

(a) a judge may accept a gift incident to a public testimonial to the judge; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and his or her spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a judge or member of the judge's family residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

(c) a judge or a member of the judge's family residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before the judge,

and, if its value exceeds \$100, the judge reports it in the same manner as the judge reports compensation in Canon 6C.

(5) For the purposes of this section "member of the judge's family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of his or her family, who resides in the judge's household.

(6) A judge is not required by this Code to disclose the judge's income, debts, or investments, except as provided in this Canon and Canons 3 and 6.

(7) Information acquired by a judge in the judge's judicial capacity should not be used or disclosed by him or her in financial dealings or for any other purpose not related to the judge's judicial duties.

D. Fiduciary Activities. Except as provided for in Canon 8 (Applicability), a judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of the judge's judicial duties. "Member of the judge's family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. As a family fiduciary a judge is subject to the following restrictions:

(1) A judge should not serve if it is likely that as a fiduciary the judge will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(2) While acting as a fiduciary a judge is subject to the same restrictions on financial activities that apply to the judge in his or her personal capacity.

E. Arbitration. Except as provided for in Canon 8 (Applicability), a judge should not act as an arbitrator or mediator.

F. Practice of Law. Except as provided for in Canon 8 (Applicability), a judge should not practice law.

G. Extra-judicial Appointments. Except as provided for in Canon 8 (Applicability), a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6
A JUDGE SHOULD REGULARLY FILE REPORTS OF COMPENSATION RECEIVED FOR QUASI-
JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in the judge's judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse. Any payment in excess of such an amount is compensation.

C. Public Reports. Except as provided for in Canon 8 (Applicability), a judge should report the date, place, and nature of any activity for which the judge received compensation, and the name of the payor and the amount of compensation so received. Compensation or income of a spouse attributed to the judge by operation of a community property law is not extra-judicial compensation to the judge. The judge's report should be made at least annually and should be filed as a public document in the office of the clerk of the court on which the judge serves or other office designated by rule of court.

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) Act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political partisan gatherings, or purchase tickets for political party dinners or other similar functions;

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

(2) A judge shall resign his or her office when the judge becomes a candidate either in a party primary or in a general election for a nonjudicial office, except that the judge may continue to hold his or her judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if the judge is otherwise permitted by law to do so.

B. Campaign Conduct.

(1) A judge who is a candidate for retention in office:

(a) Should maintain the dignity appropriate to judicial office, and should encourage members of his or her family to adhere to the same standards of political conduct that apply to the judge;

(b) should prohibit public officials or employees subject to the judge's direction or control from doing for the judge what he or she is prohibited from doing under this Canon; and except to the extent authorized under subsection B(2), the judge should not allow any other person to do for the judge what he or she is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce how the judge would rule on any case or issue that might come before the judge; or misrepresent his or her identity, qualifications, present position, or other fact.

(2) A judge who is a candidate for retention in office should abstain from any campaign activity in connection with the judge's own candidacy unless there is active opposition to his or her retention in office. If there is active opposition to the retention of a candidate judge:

(a) The judge may speak at public meetings;

(b) the judge may use advertising media, provided that the advertising is within the bounds of proper judicial decorum;

(c) a nonpartisan citizens' committee or committees advocating the judge's retention in office may be organized by others, either on their own initiative or at the request of the judge;

(d) any committee organized pursuant to subsection B(2)(c) may raise funds for the judge's campaign, but the judge should not solicit funds personally or accept any funds except those paid to the judge by a committee for reimbursement of the judge's campaign expenses; and,

(e) the judge should not be advised of the source of funds raised by the committees.

C. Nonpartisan Conduct.

(1) A judge may attend and participate in nonpartisan gatherings at which legal or social issues are addressed, provided that the judge shall neither discuss cases in which he or she has participated that are not yet final, nor state how the judge would rule on any case or issue that might come before him or her.

**CANON 8
APPLICABILITY**

A. Anyone, whether or not a lawyer, who is an officer of the state court system performing judicial functions, including, for example, a referee or commissioner, is a judge for the purpose of this code. All judges shall comply with all provisions of this code except as provided for in this Canon 8. All judges shall comply with all provisions of this code except as provided for in this Canon 8.

B. Part-time judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

- (1) Is not required to comply with Canon 5C(2), D, and E and Canon 6(C);
- (2) shall not practice law in the court on which the judge serves, or in any comparable level court in the same judicial district on which the judge serves;
- (3) shall not practice law in any court which is subject to the appellate jurisdiction of the court on which the judge serves;
- (4) shall not practice law with respect to any controversies which will or appear likely to come before the court on which the judge serves or any court of the same or comparable jurisdiction within the same judicial district as the court on which the judge serves;
- (5) shall not act as a lawyer in any proceeding in which he or she has served as a judge or in any related proceeding;
- (6) shall not use the judge's title, position, resources or the facilities of the judge's office for any purpose other than the conduct of judicial business;
- (7) shall not allow the practice of law to interfere with the impartial fulfillment of the judge's judicial duties.

C. Part-time judge's partners and associates. A part-time judge's partners and associates may practice law with respect to any matter except:

- (1) Those matters which have, would, or appear likely to come before the court on which the judge serves or any court subject to the appellate jurisdiction of the court on which the judge serves;
- (2) any matter related to matters upon the merits of which the judge has acted in a judicial capacity or in which the judge had substantial involvement in a Judicial capacity;
- (3) to the extent that such practice would interfere with the impartial fulfillment of the part-time judge's judicial duties.

D. Senior and retired judges. Senior judges, while under contract pursuant to the senior judge program, and retired judges, while recalled and acting temporarily as a judge, are not required to comply with Canon 5C(2), 5C(3), D, and E, and Canon 6.

(1) A senior judge shall not practice law while under contract pursuant to the senior judge program;

(2) a retired judge shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto;

(3) a retired judge shall not practice law during any period in which he or she has been temporarily recalled and is acting as a judge.

E. This Canon 8 shall become effective on January 1, 1989, except as to Canon 8D which shall become effective on January 1, 1990.

EFFECTIVE DATE OF COMPLIANCE Canons 1 through 7 are hereby amended and adopted by the Court, En Banc, this 18th day of November 1988, effective January 1, 1989. Canon 8 is hereby enacted and adopted by the Court, En Banc, this 18th day of November 1988, effective January 1, 1989, except as to Canon 8D, which will become effective on January 1, 1990. A person to whom this Code becomes applicable should arrange his or her affairs as soon as reasonably possible to comply with it.