

03-7250 (L),

03-7289 (XAP)

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Thomas J. Spargo, et al.,
Plaintiffs-Appellees-Cross-Appellants,

v.

New York State Commission on Judicial Conduct, et al.,
Defendants-Appellants-Cross-Appellees.

On Appeal From No. 02-CV-1320 (DNH/DRH)
In the United States District Court for the Northern District of New York
Honorable David N. Hurd, Presiding

**AMICUS CURIAE BRIEF OF AMERICAN BAR ASSOCIATION IN
SUPPORT OF APPELLANTS AND REVERSAL OF JUDGMENT**

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IDENTITY AND INTEREST OF AMICUS CURIAE

The American Bar Association (“ABA”), with more than 408,000 members, is the leading national membership organization of the legal profession. Its members come from each of the 50 states, the District of Columbia, and the territories of the United States. Membership in the ABA is voluntary and includes lawyers in private practice, government service, corporate law departments, and public interest organizations, as well as judges, legislators, law professors, law students, and non-lawyer associates in related fields.

In this case, the district court held that Sections 100.1, 100.2(A), 100.5(A)(1)(c)-(g), and 100.5(A)(4)(a) of the New York Code of Judicial Conduct are facially unconstitutional. The language of those provisions is substantively the same as portions of Canons 1, 2, and 5 of the 1990 ABA Model Code of Judicial Conduct. Thus, the ABA has an interest in defending the constitutionality of those provisions and their applicability to judicial conduct and judicial campaigning.

All of the parties have consented to the filing of this brief.¹

¹ This brief was not authored in whole or in part by counsel for any of the parties. No monetary contribution was made to the preparation or submission of this brief other than by the *amicus curiae*, its members, or its counsel. Neither this brief nor the decision to file this brief should be interpreted to reflect the view of any judicial member of the ABA. No member of the Judicial Division Council (“JDC”) participated in the adoption or endorsement of the positions in this brief, and this brief was not circulated to any member of the JDC prior to filing.

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SUMMARY OF ARGUMENT

The American Bar Association is committed to preserving the integrity, impartiality, and independence of the judiciary. In furtherance of that end, the ABA has adopted model codes of judicial conduct and model rules for judicial disciplinary enforcement to assist states in creating their own rules and procedures governing judicial conduct. Every state has adopted rules that vest responsibility for enforcing those codes of conduct in state judicial conduct organizations and the states' highest courts. In light of the states' compelling interests and special expertise in regulating their judiciaries, state judicial disciplinary matters should be resolved in state, not federal, forums.

The New York provisions in question are critical to preserve the integrity, impartiality, and independence of the judiciary. All 50 states, the District of Columbia, and the federal judiciary have adopted codes of judicial conduct that contain provisions identical to or substantively the same as one or more of the New York provisions that were held to be facially unconstitutional. Therefore, affirmance of the district court's judgment would undermine judicial disciplinary efforts not just in New York but in jurisdictions throughout the nation.

The New York provisions that were held to be unconstitutional embody the American legal profession's longstanding views on judicial conduct and judicial campaigning. The origins of the standards of conduct embodied in those

provisions date as far back as the 1924 ABA Canons of Judicial Ethics, and the 1990 and 1972 ABA Model Codes of Judicial Conduct, upon which the New York provisions are largely based, were the product of extensive study and discussion by a broad cross-section of the legal profession and the public, including members of the judiciary. Adoption of similar provisions by virtually every other jurisdiction and the courts' consistent rejection of constitutional challenges to the affected provisions confirms the consensus of opinion underlying those provisions.

For the reasons stated above, the American Bar Association respectfully urges that this Court reverse the district court's February 20, 2003 judgment.

ARGUMENT

I. The States' Highest Courts Have the Ultimate Authority to Resolve Judicial Disciplinary Matters

For many years, the ABA has been committed to strong and effective regulation of state judiciaries through state judicial conduct organizations acting in tandem with the highest courts in each state. In 1978, the ABA adopted the Standards Relating to Judicial Discipline and Disability Retirement, which functioned as a national model for judicial disciplinary enforcement. In 1979, to assist jurisdictions in the implementation of these standards, the ABA developed the Model Rules for Judicial Discipline and Disability Retirement, and, in 1994, the ABA adopted the Model Rules for Judicial Disciplinary Enforcement (“MRJDE”).

The MRJDE expressly promote the ABA’s longstanding policy that the highest court in each state should have the inherent authority to discipline judges. The MRJDE contain provisions detailing the role the states’ highest courts should play in judicial disciplinary matters. For example:

- Rule 6 authorizes the state’s highest court to impose certain sanctions, including removal, suspension, imposition of limitations on the performance of judicial duties, imposition of lawyer discipline, and public reprimand.
- Rule 15 provides a mechanism for the state’s highest court to impose, without the necessity of commission action, the

immediate interim suspension of a judge under certain conditions.

- Rule 24 provides that within 10 days of the issuance of a hearing panel's report and recommendations, the respondent judge and disciplinary counsel may file with the state's highest court a notice of exceptions to the findings, conclusions or recommendations of the panel.
- Under Rule 25, the clerk of the state's highest court must docket for expedited consideration any case in which the commission recommended discipline or a notice of exceptions was filed. If the commission has dismissed a matter and no exceptions are filed, the dismissal is final unless the court orders a review of the matter within 15 days. The court may accept, reject, or modify the findings and conclusions of the commission.
- The commentary to Rule 25 states: "The highest court has the inherent power and final responsibility to regulate the judicial branch of government. These Rules provide for de novo review by the highest court. They also provide that all public sanctions be imposed by the highest court."

ABA MODEL RULES FOR JUD. DISCIPLINARY ENFORCEMENT Rules 6, 15, 24, 25 & cmt. (1994).

Consistent with the MRJDE, by 1981, all 50 states and the District of Columbia had established judicial conduct organizations vested with authority to investigate, prosecute, and adjudicate cases of judicial misconduct. *See* JEFFREY M. SHAMAN, ET AL., JUDICIAL CONDUCT AND ETHICS § 1.03 at 7 (3d ed. 2000) (hereinafter, "JUDICIAL CONDUCT AND ETHICS"); MARLA GREENSTEIN, HANDBOOK FOR JUD. CONDUCT COMMISSIONS, Appendix C (2002). Those organizations also

have authority to impose or recommend to a higher body a variety of sanctions ranging from admonition to removal after it has been determined that misconduct has occurred. *Id.* In 47 states and the District of Columbia, the highest courts review formal sanctions imposed by the judicial conduct organizations and/or impose formal sanctions based on the organizations' recommendations. *See* CYNTHIA GRAY, STUDY OF STATE JUD. DISCIPLINE SANCTIONS, Table II (2002).²

A number of courts also have recognized the traditional and effective role states have played as “laboratories of democracy” in the regulation of the legal profession. *See Golas v. Homeview Inc.*, 106 F.3d 1, 8 (1st Cir. 1997) (Bownes, J., concurring) (citing *Boyle v. Anderson*, 68 F.3d 1093, 1109 (8th Cir. 1995), *cert. denied*, 516 U.S. 1173 (1996)). In *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423 (1982), the United States Supreme Court reversed a decision by the Third Circuit holding that a federal court need not abstain under the *Younger* doctrine in the analogous context of a challenge to the constitutionality of New Jersey's disciplinary rules for lawyers. In concluding that abstention was proper in that case, the Supreme Court unequivocally affirmed the

² The only states in which sanctions are not imposed and/or reviewed by the state's highest court are Delaware, Illinois, and Oklahoma. CYNTHIA GRAY, STUDY OF STATE JUD. DISCIPLINE SANCTIONS, Table II (2002). In each of those states, however, state entities conduct the final review of any sanctions imposed. *Id.*

compelling interests and duties states have in regulating the professional conduct of lawyers who practice in their states:

The State of New Jersey has an extremely important interest in maintaining and assuring the professional conduct of the attorneys it licenses. States traditionally have exercised extensive control over the professional conduct of attorneys. The ultimate objective of such control is “the protection of the public, the purification of the bar and the prevention of a re-occurrence.” The judiciary as well as the public is dependent upon professionally ethical conduct of attorneys and thus has a significant interest in assuring and maintaining high standards of conduct of attorneys engaged in practice.

Id. at 434 (citations omitted); *see also id.* at 438 (“The traditional and primary responsibility of state courts for establishing and enforcing standards for members of their bars and the quasicriminal nature of bar disciplinary proceedings . . . call for exceptional deference by the federal courts”) (Brennan, J., concurring). Under *Younger*, the states should have the opportunity to revise their codes without federal intervention to reflect the unique circumstances present in each state.

The states possess similarly compelling interests and duties with respect to the regulation of their judiciaries. In a case involving a constitutional challenge to the disciplinary suspension of a judge, one federal court has cited these very interests and duties in support of its decision to abstain under the *Younger* doctrine:

In declining to enjoin the imposition of the disciplinary suspension against the plaintiff, the court wishes to emphasize the extraordinary state interest in disciplinary proceedings which affect state judges. Disciplinary proceedings exist to vindicate the most fundamental of state interests, the need for a fair and impartial administration of

justice for the benefit of all the state's citizens. . . . The West Virginia Supreme Court of Appeals' procedures for responding to questions concerning the state judiciary reflect a profound awareness of their responsibility for the judiciary's integrity, and a respect for the duty of the justices to insure the constitutional rights of their judicial compatriots while adjudicating complaints against the judiciary.

Dostert v. Neely, 498 F. Supp. 1144, 1154 (S.D. W. Va. 1980); *see also Griffen v. Ark. Jud. Discipline and Disability Comm'n*, No. 02-770, 2003 U.S. Dist. LEXIS 9162, at *20-*21 (E.D. Ark. May 29, 2003) ("Like the Supreme Court in *Middlesex*, this Court cannot presume that the state court will not safeguard Judge Griffen's federal constitutional rights. . . . These proceedings implicate important interests in the State of Arkansas in monitoring the conduct of its own judges, as demonstrated by the fact that the State of Arkansas has organized this Commission to investigate and resolve issues related to such conduct"). Having adopted their own versions of the MRJDE, deference should be paid to the states' traditional role in administering complex areas of regulation. *See Burford v. Sun Oil Co.*, 319 U.S. 315 (1943); *Minot v. Eckardt-Minot*, 13 F.3d 590, 593 (2d Cir. 1994).

In light of the states' traditional role and compelling interests in regulating their judiciaries, matters relating to judicial discipline should be resolved in state, not federal, forums. Even when there is a challenge to the facial constitutionality of a state's code regulating judicial conduct, the state should have the opportunity to limit or narrow the provision to avoid any constitutional infirmity which may

exist. Furthermore, as demonstrated by the New York Court of Appeals' recent decisions in *In re Raab*, No. 91, 2003 N.Y. LEXIS 1411 (N.Y. June 10, 2003) (reviewing constitutional challenge to state's rules governing judicial conduct) and *In re Watson*, No. 78, 2003 N.Y. LEXIS 1415 (N.Y. June 10, 2003) (same), state courts are fully capable of determining the constitutionality of their codes of judicial conduct under the United States Constitution.³ Thus, the district court's judgment should be reversed.

II. Affirmance of the District Court's Judgment Would Undermine Judicial Disciplinary Efforts Throughout the Nation

The critical role that the New York provisions in question play in preserving the integrity, impartiality, and independence of the judiciary is reflected in the adoption of similar provisions by virtually every jurisdiction in the United States. The New York provisions are identical to or substantively the same as portions of Canons 1, 2, and 5 of the 1990 ABA Model Code of Judicial Conduct. *See* Appendix "A." With the exception of Montana (which has adopted canons of judicial ethics similar to the 1924 ABA Canons of Judicial Ethics), the remaining 49 states, the District of Columbia, and the federal judiciary have adopted codes of judicial conduct based on the 1990 ABA Model Code, the 1972 ABA Model Code,

³ The cases cited in Section III(B) of this brief which have upheld the constitutionality of provisions similar to the New York provisions at issue in this case further demonstrate the ability of state courts to address federal constitutional challenges. *See* discussion *infra*, pp. 12-13.

or a combination of both. Those jurisdictions' codes also contain provisions identical to or substantively the same as one or more of the New York provisions that were held to be unconstitutional. *See* Appendix "B." Consequently, affirmance of the district court's judgment in this case would have legal repercussions that would extend far beyond New York's borders and would significantly undermine judicial disciplinary efforts throughout the country.

III. The New York Provisions in Question Reflect the American Legal Profession's Longstanding Views on Judicial Conduct and Judicial Campaigning

A. The Standards of Conduct Embodied in the New York Provisions Date Back Almost 80 Years

As shown above, the New York provisions in question are largely based on Canons 1, 2, and 5 of the 1990 ABA Model Code of Judicial Conduct. Those canons reflect the legal profession's longstanding views on judicial conduct and judicial campaigning. This consensus is reflected not only by the almost universal adoption of portions of Canons 1, 2, and 5 by the states but also by those canons' existence in substantively similar form for almost 80 years.

Canon 2 (and to a lesser extent, Canon 1) of the 1990 ABA Model Code clearly can be traced back to Canon 4 of the 1924 ABA Canons of Judicial Ethics,⁴

⁴ While the 1924 Canons "were intended to be an ideal guide of behavior, rather than an enforceable set of rules," much of the conduct those canons sought to regulate has remained the subject of regulation almost 80 years later under the present ABA Model Code. JUDICIAL CONDUCT AND ETHICS § 1.02 at 3.

which stated that “[a] judge’s official conduct should be free from impropriety and the appearance of impropriety.” ABA CANONS OF JUD. ETHICS Canon 4 (1924); *see also* E. WAYNE THODE, REPORTER’S NOTES TO CODE OF JUDICIAL CONDUCT at 49 (1973). Provisions of Canon 5 of the 1990 ABA Model Code regulating the political activity of judges and judicial candidates may be traced back to the 1924 Canons. Recognizing the deleterious effect such activity can have on the judiciary’s integrity and independence, Canon 14 exhorted judges “not [to] be swayed by partisan demands.” ABA CANONS OF JUD. ETHICS Canon 14 (1924).

More specific to the particular concerns the New York provisions at issue in this case sought to address, the drafters of the 1924 Canons warned of the influence a judge’s personal politics may have not just on the actual performance of the judicial function but on the public’s perception of how that function is performed:

While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. He should avoid making political speeches, making or soliciting payment of assessments or contributions to party funds, the public endorsement of candidates for political office and participation in party conventions.

He should neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities. . . .

Id. at Canon 28; *see also id.* at Canon 30 (“[A candidate for judicial position] should do nothing while a candidate to create the impression that if chosen, he will administer his office with bias, partiality or improper discrimination”).

While the general standards of conduct embodied in Canons 1, 2, and 5 date back almost 80 years, the present language of those canons has existed in virtually identical form since 1972, when the 1924 Canons were replaced with the 1972 ABA Model Code of Judicial Conduct. *See* JUDICIAL CONDUCT AND ETHICS, § 1.02 at 3, 5.⁵

The New York provisions in question – largely based on the 1990 ABA Model Code and 1972 ABA Model Code – reflect a consensus of the legal profession, including the judiciary, regarding judicial conduct and judicial campaigning. The 1990 ABA Model Code is the product of extensive study, consultation, and debate. In preparing the 1990 ABA Model Code, the ABA compiled extensive background material, including codes from every United States jurisdiction, advisory opinions on judicial ethics, law review articles, statistical

⁵ Canons 1 and 2(A) of the 1972 ABA Model Code were incorporated almost verbatim into the 1990 ABA Model Code. The primary change from the 1972 to the 1990 versions of Canons 1 and 2(A) was to change the hortatory language in the 1972 version (“should”) to the mandatory language in the 1990 version (“shall”). *Compare* ABA MODEL CODE OF JUD. CONDUCT Canons 1, 2(A) (1972) *with* ABA MODEL CODE OF JUD. CONDUCT Canons 1, 2(A) (1990). Additionally, a number of the provisions of Canon 5 of the 1990 ABA Model Code that are implicated by the district court’s decision – namely, Canons 5(A)(1)(b)-(d) and 5(A)(3)(a) – also could be found in Canon 7 of the 1972 ABA Model Code. *See* ABA MODEL CODE OF JUD. CONDUCT Canons 7(A)(1)(b)-(c) and 7(B)(1)(a) (1972).

studies, and other published and unpublished research material from the literature of judicial ethics and discipline. The ABA also received assistance from many leading lawyers, judges, legal scholars, and liaisons from ABA entities and other groups with a particular interest in judicial ethics. Following this extensive process, the ABA adopted the present 1990 ABA Model Code.⁶

B. The Courts Have Consistently Upheld the Constitutionality of Canons Similar to the New York Provisions in Question

The legal profession's longstanding and widespread acceptance of the standards of conduct embodied in the New York provisions in question is further demonstrated by the fact that constitutional challenges to the provisions in question have largely failed. *See, e.g., In re Code of Jud. Conduct*, 603 So. 2d 494, 495-99 (Fla. 1992) (rejecting claim that Canons 1, 2, and 7(A)(1)(b) of Florida Code of Judicial Conduct violate First Amendment); *In re Young*, 522 N.E.2d 386, 387-88 (Ind. 1988) (rejecting claim that Canons 1 and 2 of Indiana Code of Judicial Conduct are unconstitutionally vague); *Miss. Comm'n on Jud. Performance v.*

⁶ The 1972 ABA Model Code of Judicial Conduct also was "the result of careful, time-consuming consideration." E. WAYNE THODE, REPORTER'S NOTES TO CODE OF JUDICIAL CONDUCT at 42 (1973). The 1972 ABA Model Code was the product of committee meetings over a 2½ year period and underwent no fewer than 13 drafts; 14,000 copies of earlier drafts were circulated to judges, lawyers, and other interested persons for reviews with numerous suggestions made in response; public hearings were held; special committees established by several judicial organizations provided assistance and advice; and written materials from diverse sources were reviewed, including codes of judicial conduct from different jurisdictions, legislative materials, academic articles, and other independent research. *Id.* at 42-43. The Model Code is, of course, subject to ongoing review.

Spencer, 725 So. 2d 171, 176 (Miss. 1998) (rejecting claim that Canons 1 and 2(A) of Mississippi Code of Judicial Conduct are unconstitutionally vague); *In re Complaint Against Judge Harper*, 673 N.E.2d 1253, 1261-67 (Ohio 1996) (rejecting claim that Canons 2(A) and 7(B)(1)(a) are unconstitutionally vague and overbroad);⁷ *In re Barr*, 13 S.W.3d 525, 564-65 (Tex. 1999) (review tribunal) (rejecting claim that Canon 2(A) of Texas Code of Judicial Conduct is unconstitutionally vague and overbroad); *In re Lowery*, 999 S.W.2d 639, 653-55 (Tex. 1998) (review tribunal) (same); *see also Republican Party of Minnesota v. Kelly*, 247 F.3d 854, 868-76 (8th Cir. 2001), *rev'd in part on other grounds*, *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002) (rejecting claim that Canon 5(A)(1)(d) of Minnesota Code of Judicial Conduct is unconstitutionally vague and violates equal protection).⁸

CONCLUSION

For the reasons stated above, the American Bar Association respectfully requests that this Court reverse the district court's February 20, 2003 judgment.

⁷ The Sixth Circuit agreed with the Ohio Supreme Court's conclusion that Canons 2 and 7(B)(1)(a) are not unconstitutionally vague and overbroad. *Harper v. Office of Disciplinary Counsel*, No. 96-3186, 1997 U.S. App. LEXIS 10610, at *6-*17 (6th Cir. May 2, 1997) (per curiam) (unpublished opinion).

⁸ The United States Supreme Court's decision in *White* addressed the constitutionality of Canon 5(A)(3)(d)(i) (the "announce clause") of Minnesota's Code of Judicial Conduct only. *Republican Party of Minnesota v. White*, 536 U.S. 765, 768 (2002).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that two copies of Amicus Curiae Brief of American Bar Association in Support of Appellants and Reversal of Judgment was served in compliance with Federal Rule of Appellate Procedure 25 on June 16, 2003, upon all counsel of record in this appeal. An original and nine copies of this brief were filed by overnight courier on June 16, 2003, upon the Clerk of this Court.

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B). This brief contains 6,529 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

2. This brief complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 32(a)(6). The main text has been prepared in a proportionally-spaced typeface using Microsoft Word 1997 in 14-Point Times New Roman Font. The footnotes have been prepared in a proportionally-spaced typeface using Microsoft Word 1997 in 12-Point Times New Roman Font.

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DATED: June 16, 2003

APPENDIX “A”

Provisions of New York Code of Judicial Conduct Held to Be Unconstitutional	Corresponding Provisions of the 1990 ABA Model Code of Judicial Conduct
<p>Section 100.1: “An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Part 100 are to be construed and applied to further that objective.”</p>	<p>Canon 1: “An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.”</p>
<p>Section 100.2(A): “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”</p>	<p>Canon 2(A): “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”</p>
<p>Section 100.5(A)(1)(c)-(g): “(A) Incumbent judges and others running for public election to judicial office.</p> <p>(1) . . . Prohibited political activity shall include: . . .</p> <p>(c) engaging in any partisan political activity, provided that nothing in this section shall prohibit a judge or candidate from participating in his or her own campaign for elective judicial office or shall restrict a non-judge holder of public office in the exercise of</p>	<p>No direct counterpart in the 1990 ABA Model Code of Judicial Conduct.</p>

<p>the functions of that office;</p> <p>(d) participating in any political campaign for any office or permitting his or her name to be used in connection with any activity of a political organization;</p> <p>(e) publicly endorsing or publicly opposing (other than by running against) another candidate for public office;</p> <p>(f) making speeches on behalf of a political organization or another candidate;</p> <p>(g) attending political gatherings;”</p>	<p>No direct counterpart in the 1990 ABA Model Code of Judicial Conduct.</p> <p><u>Canon 5(A)(1)(b)</u>: “Except as authorized in Sections 5(B)(2), 5C(1) and 5C(3), a judge or a candidate for election or appointment to judicial office shall not: . . . (b) publicly endorse or publicly oppose another candidate for public office;”</p> <p><u>Canon 5(A)(1)(c)</u>: “Except as authorized in Sections 5(B)(2), 5C(1) and 5C(3), a judge or a candidate for election or appointment to judicial office shall not: . . . (c) make speeches on behalf of a political organization;”</p> <p><u>Canon 5(A)(1)(d)</u>: “Except as authorized in Sections 5(B)(2), 5C(1) and 5C(3), a judge or a candidate for election or appointment to judicial office shall not: . . . (d) attend political gatherings;”</p>
<p><u>Section 100.5(A)(4)(a)</u>: “A judge or a non-judge who is a candidate for public election to judicial office:</p> <p>(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall encourage members of the candidate’s</p>	<p><u>Canon 5(A)(3)(a)</u>: “A candidate for a judicial office:</p> <p>(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall encourage members of the candidate’s</p>

family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;”	family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;”
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APPENDIX “B”

Provisions of N.Y. Code of Judicial Conduct Held to Be Unconstitutional	Similar Provisions in Other States’ Codes of Judicial Conduct
Section 100.1	Alabama, ALA. CANONS OF JUD. ETHICS Canon 1; Alaska, ALASKA CODE OF JUD. CONDUCT Canon 1; Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 1; Arkansas, ARK. CODE OF JUD. CONDUCT Canon 1; California, CAL. CODE OF JUD. ETHICS Canon 1; Colorado, COLO. CODE OF JUD. CONDUCT Canon 1; Connecticut, CONN. CODE OF JUD. CONDUCT Canon 1; Delaware, DEL. JUDGES’ CODE OF JUD. CONDUCT Canon 1; District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 1; Florida, FLA. CODE OF JUD. CONDUCT Canon 1; Georgia, GA. CODE OF JUD. CONDUCT Canon 1; Hawaii, HAW. CODE OF JUD. CONDUCT Canon 1; Idaho, IDAHO CODE OF JUD. CONDUCT Canon 1; Illinois, ILL. CODE OF JUD. CONDUCT Canon 1; Indiana, IND. CODE OF JUD. CONDUCT Canon 1(A); Iowa, IOWA CODE OF JUD. CONDUCT Canon 1; Kansas, KAN. CODE OF JUD. CONDUCT Canon 1; Kentucky, KY. CODE OF JUD. CONDUCT Canon 1; Louisiana, LA. CODE OF JUD. CONDUCT Canon 1; Maine, ME. CODE OF JUD. CONDUCT Canon 1; Maryland, MD. CODE OF JUD. CONDUCT Canon 1; Massachusetts, MASS. CODE OF JUD. CONDUCT Canon 1; Michigan, MICH. CODE OF JUD. CONDUCT Canon 1; Minnesota, MINN. CODE OF JUD. CONDUCT Canon 1; Mississippi, MISS. CODE OF JUD. CONDUCT Canon 1; Missouri, MO. CODE OF JUD. CONDUCT Canon 1; Nebraska, NEB. CODE OF JUD. CONDUCT Canon 1; Nevada, NEV. CODE OF JUD. CONDUCT Canon 1; New Hampshire, N.H. CODE OF JUD. CONDUCT Canon 1; New Jersey, N.J. CODE OF JUD. CONDUCT Canon 1; New Mexico, N.M. CODE OF JUD. CONDUCT Rule 21-100; North Carolina, N.C. CODE OF JUD. CONDUCT Canon 1; North Dakota, N.D. CODE OF JUD. CONDUCT Canon 1;

	<p>Ohio, OHIO CODE OF JUD. CONDUCT Canon 1; Oklahoma, OKLA. CODE OF JUD. CONDUCT Canon 1; Oregon, OR. CODE OF JUD. CONDUCT Rule 1-101(A); Pennsylvania, PA. CODE OF JUD. CONDUCT Canon 1; Rhode Island, R.I. CODE OF JUD. CONDUCT Canon 1; South Carolina, S.C. CODE OF JUD. CONDUCT Canon 1; South Dakota, S.D. CODE OF JUD. CONDUCT Canon 1(A); Tennessee, TENN. CODE OF JUD. CONDUCT Canon 1(A); Texas, TEX. CODE OF JUD. CONDUCT Canon 1; Utah, UTAH CODE OF JUD. CONDUCT Canon 1; Vermont, VT. CODE OF JUD. CONDUCT Canon 1(A); Virginia, VA. CANONS OF JUD. CONDUCT Canon 1(A); Washington, WASH. CODE OF JUD. CONDUCT Canon 1; West Virginia, W. VA. CODE OF JUD. CONDUCT Canon 1(A); Wisconsin, WIS. SUP. CT. R. 60.02; Wyoming, WYO. CODE OF JUD. CONDUCT Canon 1; CODE OF CONDUCT FOR U.S. JUDGES Canon 1.</p>
<p>Section 100.2(A)</p>	<p>Alabama, ALA. CANONS OF JUD. ETHICS Canon 2(A); Alaska, ALASKA CODE OF JUD. CONDUCT Canon 2(A); Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 2(A); Arkansas, ARK. CODE OF JUD. CONDUCT Canon 2(A); California, CAL. CODE OF JUD. ETHICS Canon 2(A); Colorado, COLO. CODE OF JUD. CONDUCT Canon 2(A); Connecticut, CONN. CODE OF JUD. CONDUCT Canon 2(A); Delaware, DEL. CODE OF JUD. CONDUCT Canon 2(A); District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 2(A); Florida, FLA. CODE OF JUD. CONDUCT Canon 2(A); Georgia, GA. CODE OF JUD. CONDUCT Canon 2(A); Hawaii, HAW. CODE OF JUD. CONDUCT Canon 2(A); Idaho, IDAHO CODE OF JUD. CONDUCT Canon 2(A); Illinois, ILL. CODE OF JUD. CONDUCT Canon 2(A); Indiana, IND. CODE OF JUD. CONDUCT Canon 2(A); Iowa, IOWA CODE OF JUD. CONDUCT Canon 2; Kansas, KAN. CODE OF JUD. CONDUCT Canon 2(A); Kentucky, KY. CODE OF JUD. CONDUCT Canon 2(A); Louisiana, LA. CODE OF JUD. CONDUCT Canon 2(A); Maine, ME. CODE OF JUD. CONDUCT Canon 2(A); Maryland, MD. CODE OF JUD. CONDUCT Canon 2(A); Massachusetts, MASS. CODE OF JUD. CONDUCT Canon 2(A); Michigan, MICH. CODE OF</p>

	JUD. CONDUCT Canon 2(B); Minnesota, MINN. CODE OF JUD. CONDUCT Canon 2(A); Mississippi, MISS. CODE OF JUD. CONDUCT Canon 2(A); Missouri, MO. CODE OF JUD. CONDUCT Canon 2(A); Nebraska, NEB. CODE OF JUD. CONDUCT Canon 2(A); Nevada, NEV. CODE OF JUD. CONDUCT Canon 2(A); New Hampshire, N.H. CODE OF JUD. CONDUCT Canon 2(A); New Jersey, N.J. CODE OF JUD. CONDUCT Canon 2(A); New Mexico, N.M. CODE OF JUD. CONDUCT Rule 21-200; North Carolina, N.C. CODE OF JUD. CONDUCT Canon 2(A); North Dakota, N.D. CODE OF JUD. CONDUCT Canon 2(A); Oklahoma, OKLA. CODE OF JUD. CONDUCT Canon 2(A); Oregon, OR. CODE OF JUD. CONDUCT Rule 1-101(A); Pennsylvania, PA. CODE OF JUD. CONDUCT Canon 2(A); Rhode Island, R.I. CODE OF JUD. CONDUCT Canon 2(A); South Carolina, S.C. CODE OF JUD. CONDUCT Canon 2(A); South Dakota, S.D. CODE OF JUD. CONDUCT Canon 2(A); Tennessee, TENN. CODE OF JUD. CONDUCT Canon 2(A); Texas, TEX. CODE OF JUD. CONDUCT Canon 2(A); Utah, UTAH CODE OF JUD. CONDUCT Canon 2(A); Vermont, VT. CODE OF JUD. CONDUCT Canon 2(A); Virginia, VA. CANONS OF JUD. CONDUCT Canon 2(A); Washington, WASH. CODE OF JUD. CONDUCT Canon 2(A); West Virginia, W. VA. CODE OF JUD. CONDUCT Canon 2(A); Wisconsin, WIS. SUP. CT. R. 60.03; Wyoming, WYO. CODE OF JUD. CONDUCT Canon 2(A); CODE OF CONDUCT FOR U.S. JUDGES Canon 2(A).
Section 100.5(A)(1)(c)	Maryland, MD. CODE OF JUD. CONDUCT 5(A); New Jersey, N.J. CODE OF JUD. CONDUCT Canon 7(C); Wisconsin, WIS. SUP. CT. R. 60.06(2).
Section 100.5(A)(1)(d)	Alabama, ALA. CANONS OF JUD. ETHICS Canon 7(A)(1); Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Arkansas, ARK. CODE OF JUD. CONDUCT Canon 5(A)(1)(f); Missouri, MO. CODE OF JUD. CONDUCT Canon 5(A)(1); Vermont, VT. CODE OF JUD. CONDUCT Canon 5(A)(1)(a).

Section 100.5(A)(1)(e)	Alaska, ALASKA CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Arkansas, ARK. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); California, CAL. CODE OF JUD. ETHICS Canon 5(A)(2); Colorado, COLO. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Connecticut, CONN. CODE OF JUD. CONDUCT Canon 7(A)(2); Delaware, DEL. JUDGES' CODE OF JUD. CONDUCT Canon 7(A)(2); District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Florida, FLA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Georgia, GA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Hawaii, HAW. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Idaho, IDAHO CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Illinois, ILL. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Indiana, IND. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Iowa, IOWA CODE OF JUD. CONDUCT Canon 7; Kansas, KAN. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Kentucky, KY. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Louisiana, LA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Maine, ME. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Maryland, MD. CODE OF JUD. CONDUCT Canon 5(B)(2); Massachusetts, MASS. CODE OF JUD. CONDUCT 7(A)(1)(b); Michigan, MICH. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Minnesota, MINN. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Mississippi, MISS. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Montana, MONT. CANONS OF JUD. ETHICS Canon 28; Nebraska, NEB. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Nevada, NEV. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); New Hampshire, N.H. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); New Jersey, N.J. CODE OF JUD. CONDUCT Canon 7(A)(2); New Mexico, N.M. CODE OF JUD. CONDUCT Rule 21-700(A)(3)(b); North Carolina, N.C. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); North Dakota, N.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Ohio, OHIO CODE OF JUD. CONDUCT Canon 7(B)(2)(b); Oklahoma, OKLA. CODE OF JUD. CONDUCT Canons
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	<p>5(A)(1)(b)-(c); Pennsylvania, PA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Rhode Island, R.I. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); South Carolina, S.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); South Dakota, S.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Tennessee, TENN. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Texas, TEX. CODE OF JUD. CONDUCT Canon 5(3); Utah, UTAH CODE OF JUD. CONDUCT Canon 5(B)(2); Vermont, VT. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Virginia, VA. CANONS OF JUD. CONDUCT Canon 5(A)(1)(b); Washington, WASH. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); West Virginia, W. VA. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Wisconsin, WIS. SUP. CT. R. 60.6(2); Wyoming, WYO. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); CODE OF CONDUCT FOR U.S. JUDGES Canon 7(A)(2).</p>
<p>Section 100.5(A)(1)(f)</p>	<p>Alaska, ALASKA CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Arkansas, ARK. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); California, CAL. CODE OF JUD. ETHICS Canon 5(A)(2); Colorado, COLO. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Connecticut, CONN. CODE OF JUD. CONDUCT Canon 7(A)(2); Delaware, DEL. JUDGES' CODE OF JUD. CONDUCT Canon 7(A)(2); District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(c) Florida, FLA. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Georgia, GA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Hawaii, HAW. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Idaho, IDAHO CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Illinois, ILL. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Indiana, IND. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Iowa, IOWA CODE OF JUD. CONDUCT Canon 7; Kansas, KAN. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Kentucky, KY. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Louisiana, LA. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Maine, ME. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Maryland, MD. CODE OF JUD. CONDUCT 5(B)(2); Massachusetts, MASS. CODE OF JUD. CONDUCT</p>

	<p>Canon 7(A)(1)(b); Michigan, MICH. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Minnesota, MINN. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Mississippi, MISS. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); Montana, MONT. CANONS OF JUD. ETHICS Canon 28; Nebraska, NEB. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Nevada, NEV. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); New Hampshire, N.H. CODE OF JUD. CONDUCT Canon 5(A)(1)(b); New Jersey, N.J. CODE OF JUD. CONDUCT Canon 7(A)(2); New Mexico, N.M. CODE OF JUD. CONDUCT Rule 20-700(A)(3)(c); North Carolina, N.C. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); North Dakota, N.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Ohio, OHIO CODE OF JUD. CONDUCT Canon 7(B)(2)(b); Oklahoma, OKLA. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Pennsylvania, PA. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); Rhode Island, R.I. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); South Carolina, S.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); South Dakota, S.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Tennessee, TENN. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Utah, UTAH CODE OF JUD. CONDUCT Canon 5(B)(2); Vermont, VT. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Virginia, VA. CANONS OF JUD. CONDUCT Canon 5(A)(1)(b); Washington, WASH. CODE OF JUD. CONDUCT Canon 7(A)(1)(b); West Virginia, W. VA. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Wisconsin, WIS. SUP. CT. R. 60.6(2); Wyoming, WYO. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); CODE OF CONDUCT FOR U.S. JUDGES Canon 7(A)(2).</p>
Section 100.5(A)(1)(g)	<p>Alaska, ALASKA CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Colorado, COLO. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Connecticut, CONN. CODE OF JUD. CONDUCT Canon 7(A)(3); Delaware, DEL. JUDGES' CODE OF JUD. CONDUCT Canon 7(A)(3); District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Florida, FLA. CODE OF JUD. CONDUCT Canon 7(A)(1)(d); Hawaii, HAW. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Indiana,</p>

	<p>IND. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Iowa, IOWA CODE OF JUD. CONDUCT Canon 7; Kansas, KAN. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Maine, ME. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Massachusetts, MASS. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Minnesota, MINN. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Mississippi, MISS. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Nebraska, NEB. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); New Hampshire, N.H. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); New Jersey, N.J. CODE OF JUD. CONDUCT Canon 7(A)(3); North Dakota, N.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(f); Pennsylvania, PA. CODE OF JUD. CONDUCT Canon 7(A)(1)(c); Rhode Island, R.I. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); South Carolina, S.C. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); South Dakota, S.D. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Utah, UTAH CODE OF JUD. CONDUCT Canon 5(B)(3); Vermont, VT. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); Virginia, VA. CODE OF JUD. CONDUCT Canon 5(A)(1)(c); Washington, WASH. CODE OF JUD. CONDUCT Canon 7(A)(1)(d); Wyoming, WYO. CODE OF JUD. CONDUCT Canon 5(A)(1)(d); CODE OF CONDUCT FOR U.S. JUDGES Canon 7(C).</p>
<p>Section 100.5(A)(4)(a)</p>	<p>Alabama, ALA. CANONS OF JUD. ETHICS Canon 7(B)(1)(a); Alaska, ALASKA CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Arizona, ARIZ. CODE OF JUD. CONDUCT Canon 5(B)(1)(a); Arkansas, ARK. CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Colorado, COLO. CODE OF JUD. CONDUCT Canon 7(B)(1)(a); District of Columbia, D.C. CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Florida, FLA. CODE OF JUD. CONDUCT Canon 7(A)(3)(a); Georgia, GA. CODE OF JUD. CONDUCT Canon 7(B)(1)(a); Idaho, IDAHO CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Illinois, ILL. CODE OF JUD. CONDUCT Canon 7(A)(3)(a); Indiana, IND. CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Iowa, IOWA CODE OF JUD. CONDUCT Canon 7; Kansas, KAN. CODE OF JUD. CONDUCT Canon 5(A)(3)(a); Kentucky, KY. CODE OF JUD. CONDUCT Canon 5(B)(1)(a);</p>

Louisiana, LA. CODE OF JUD. CONDUCT Canon 7(B)(1)(a);
Maine, ME. CODE OF JUD. CONDUCT Canon 5(B)(1);
Maryland, MD. CODE OF JUD. CONDUCT Canon 5(B)(3);
Michigan, MICH. CODE OF JUD. CONDUCT Canon
7(B)(1)(a); Minnesota, MINN. CODE OF JUD. CONDUCT
Canon 5(A)(3)(a); Mississippi, MISS. CODE OF JUD.
CONDUCT Canon 5(A)(3)(a); Missouri, MO. CODE OF JUD.
CONDUCT Canon 5(B)(1)(a); Nebraska, NEB. CODE OF
JUD. CONDUCT Canon 5(A)(3)(a); Nevada, NEV. CODE OF
JUD. CONDUCT Canon 5(A)(3)(a); New Mexico, N.M.
CODE OF JUD. CONDUCT Rule 20-700(B)(1); North
Carolina, N.C. CODE OF JUD. CONDUCT Canon 7(B)(1)(a);
North Dakota, N.D. CODE OF JUD. CONDUCT Canon
5(A)(3)(a); Ohio, OHIO CODE OF JUD. CONDUCT Canon
7(B)(1); Oklahoma, OKLA. CODE OF JUD. CONDUCT
Canon 5(A)(3)(a); Pennsylvania, PA. CODE OF JUD.
CONDUCT Canon 7(B)(1)(a); Rhode Island, R.I. CODE OF
JUD. CONDUCT Canon 5(A)(3)(a); South Carolina, S.C.
CODE OF JUD. CONDUCT Canon 5(A)(3)(a); South Dakota,
S.D. CODE OF JUD. CONDUCT Canon 5(A)(3)(a);
Tennessee, TENN. CODE OF JUD. CONDUCT Canon
5(A)(3)(a); Utah, UTAH CODE OF JUD. CONDUCT Canon
5(D)(1); Vermont, VT. CODE OF JUD. CONDUCT Canon
5(B)(2); Washington, WASH. CODE OF JUD. CONDUCT
Canon 7(B)(1)(a); West Virginia, W. VA. CODE OF JUD.
CONDUCT Canon 5(A)(3)(a); Wyoming, WYO. CODE OF
JUD. CONDUCT Canon 5(A)(3)(a).