



Continuing Legal Education Program  
Judges Behaving Badly And Other Ways to  
Leave the Bench Earlier than Planned



## AGENDA

WHAT ARE WE REQUIRED TO DO?

- The ABA Model Code of Judicial Conduct

WHAT HAPPENS WHEN WE FAIL TO MEET THE STANDARDS?

WHAT IS HAPPENING SPECIFICALLY WITH SOCIAL MEDIA AND JUDGES

PRACTICAL “FAILS” AND CONSEQUENCES

PREVENTIVE MEASURES

# ABA model code of judicial conduct

American Bar Association

Note: This is not the actual book cover

# ABA MODEL CODE OF JUDICIAL CONDUCT

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- CANON 1

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

- CANON 2

A judge shall perform the duties of judicial office impartially, competently, and diligently.

- CANON 3

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

- CANON 4

A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

# LOVE AND MARRIAGE



**Formal Opinion 485**

**February 14, 2019**

## **Judges Performing Same-Sex Marriages**

*A judge for whom performing marriages is a mandatory obligation of judicial office may not decline to perform marriages of same-sex couples. A judge for whom performing marriages is a discretionary judicial function may not decline to perform marriages of same-sex couples if the judge agrees to perform opposite-sex marriages. A judge's refusal to perform same-sex marriages while performing opposite-sex marriages calls into question the judge's integrity and impartiality and reflects bias and prejudice in violation of Rules 1.1, 2.2, 2.3(A), and 2.3(B) of the Model Code of Judicial Conduct. In a jurisdiction in which a judge is not obligated to perform marriages but has the discretion to do so, a judge may refuse to perform marriages for members of the public. A judge who declines to perform marriages for members of the public may still perform marriages for family and friends. If a judge chooses to perform marriages for family and friends, however, the judge may not decline to perform same-sex marriages for family and friends.*

## LOVE AND MARRIAGE



If you perform a marriage ceremony comply with the law

See “In Re the Matter of The Honorable Eileen Kato, Judge, King  
County District Court”

## JUDGES AND FREE SPEECH

Disciplinary Counsel v Salerno, 2015-OHIO-791

Thou shalt not tell the jury after they announce the verdict in a case that in the judge's opinion the jury reached the wrong verdict.

. . . And . . . thou shalt not tell the jury after they announce the verdict in a case that the defendant is facing additional criminal charges but that the evidence wasn't admitted because it was considered more prejudicial than probative.

# JUDGES AND FREE SPEECH

OHIO STATE BAR ASSOCIATION v SALERNO  
142 Ohio St 3d 142, 2015-Ohio-791

PUBLIC WARNING HONORABLE JACK ROBINSON  
CJC NOS. 18-050, 18-0511, 18-0533, et seq.

IN RE INQUIRY OF A JUDGE (KWAN)  
2019 UT 19\*, May 22, 2019

INQUIRY CONCERNING A JUDGE (MURPHY)  
181 So. 3d 1169

IN RE INQUIRY CONCERNING A JUDGE, NO. 17-143, APRIL  
M. SMITH  
2019 NC LEXIS 375, 2019 WL 2119679











#### FACEBOOK FAILS FOR JUDGES

In the Matter of Heidi Almase, former Municipal Court Judge, City of Las Vegas, County of Clark, Case No. 2017-099-P

Public Admonition Honorable James Oren Metts, Sr., CJC No 17-1329-CO

SEE NATIONAL CENTER FOR STATE COURTS “SOCIAL MEDIA AND JUDICIAL ETHICS UP-DATE” May 2019