

25th National College on Judicial Conduct and Ethics
October 4-6, 2017



NCSC
National Center for State Courts
Center for Judicial Ethics

Wednesday October 4

2 to 7 Registration Capital foyer

5 to 7 Reception First floor lobby

Thursday October 5

7:30 to 5 Registration Capital foyer

8:30 to 10 Plenary session

Capital Ballroom: Social Media and Judges: Bright Lines and Best Practices

Reviewing advisory opinions and caselaw, this interactive plenary session will develop a list of ethical requirements and best practices for judges participating in social media to encourage responsible engagement and prevent headline-grabbing misconduct and careless missteps.

Moderator: *Cynthia Gray*, Director, Center for Judicial Ethics, National Center for State Courts

10 to 10:30 Break

10:30 to noon Break-out sessions

Capital Ballroom: Disqualification (repeated Friday at 8:30)

Looking at case law and advisory opinions, this session will consider the standard requiring disqualification “when a judge’s impartiality might reasonably be questioned.” The moderators and audience will discuss specific factual situations and general issues such as who is a reasonable person and what does he or she know. **Moderators:** *Raymond McKoski*, Retired Judge, 19th Judicial Circuit Court; Member, Illinois Judicial Ethics Committee • *Robert Tembeckjian*, Administrator and Counsel, New York State Commission on Judicial Conduct

Austin Room: Ethical Guidelines for Members of Judicial Conduct Commissions

This session will review the ethical guidelines adopted for members of several judicial conduct commissions and debate the benefits of adopting such guidelines, consider what issues should be covered, and discuss what the rules should be in areas such as disqualification, political activity, and contacts with complainants and judges. **Moderators:** *Robert Alsdorf*, Member, Washington State Commission on Judicial Conduct • *Judge Kirk Johnson*, Eighth South Judicial Circuit; Member, Arkansas Commission on Judicial Discipline & Disability

Lone Star Room: Introduction to Judicial Ethics and Discipline for New Members of Judicial Conduct Commissions

This session will give new members of judicial conduct commissions an overview of the ethical standards they will be enforcing, focusing on the misconduct that results in the most judicial discipline cases and discussing the types of complaints that are frequently made but usually dismissed. **Moderators:** *Judge Julie Bernard*, First Justice, Brockton District Court; Member, Massachusetts Commission on Judicial Conduct • *Adrienne Meiring*, Counsel, Indiana Commission on Judicial Qualifications

Noon to 1:30 Lunch First floor lobby

1:30 to 3 Break-out sessions

Lone Star Room: Fines, Fees, and Judicial Ethics

There has been increasing attention “on how fines, fees and bail practices disproportionately impact economically disadvantaged communities,” and, in early 2016, the Conference of Chief Justices and the Conference of State Court Administrators established a National Task Force on Fines, Fees and Bail Practices to assist state courts address the issue. This session will discuss the work of the Task Force and its implications for judicial ethics and discipline. **Moderators:** *Keith R. Fisher*, Principal Consultant & Senior Counsel, Domestic and International Court Initiatives, National Center for State Courts • *Judge Rosalyn W. Frierson-Smith*, South Carolina Family Court • *Judge Edward J. Spillane III*, Presiding Judge, Municipal Court, College Station, Texas

Capital Ballroom: Determining the Appropriate Sanction (repeated Friday at 10:30)

Examining recent judicial discipline cases, this session will review the criteria for imposing sanctions and discuss issues such as the relevance of a judge’s failure to express remorse and when removal is appropriate. Participants will “vote” on what sanctions they would have imposed in actual judicial discipline cases. **Moderators:** *Judge John Erlick*, King County Superior Court; Member, Washington State Commission on Judicial Conduct • *David J. Sachar*, Executive Director, Arkansas Judicial Discipline & Disability

Austin Room: Pro Se Litigants and Judicial Ethics (repeated Friday at 10:30)
Most state codes of judicial conduct now allow judges to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard. This session will discuss what those accommodations can be and what ramifications those accommodations may have for judicial impartiality. **Moderators:** *Judge Louis Frank Dominguez*, Surprise City Court; Chair, Arizona Commission on Judicial Conduct • *Cynthia Gray*, Director, Center for Judicial Ethics, National Center for State Courts

3 to 3:30 Break

3:30 to 5 Break-out sessions

Capital Ballroom: The Curious Judge: Independent Factual Investigations
Independent factual investigations have been expressly prohibited by the code of judicial since 1990, and appellate courts have reversed judicial decisions based on independent investigations by judges. But with the advent of Google, the temptation to do research has increased for judges, and some have even advocated a less passive approach to an unclear or incomplete record. This session will debate the issue. **Moderators:** *Judge George Foster*, Maricopa County Superior Court, Member, Arizona Commission on Judicial Conduct • *Professor Elizabeth Thornburg*, SMU Dedman School of Law

Austin Room: The Role of Public Members
Participants will share their experiences as public members of judicial conduct commissions and discuss what impact their perspective has on deliberations, training, and the perception of the commissions by the public and judges. **Moderators:** *Joyce Bustos*, Chair, New Mexico Judicial Standards Commission • *Reverend Maxine Allen*, Member, Arkansas Judicial Discipline & Disability Commission

Lone Star Room: Judicial Discipline and Technology
Technology can increase efficiency for judicial conduct commissions but poses challenges regarding costs, confidentiality, and member resistance. This session will discuss successful approaches several commissions have taken to overcome those issues in areas such as promoting a paperless office, transitioning to an electronic case management system, and digitally organizing and distributing meeting materials. **Moderators:** *Amy Carpinello*, Information Officer New York State Commission on Judicial Conduct • *Paul Deyhle*, General Counsel and Executive Director, Nevada Commission on Judicial Discipline

Friday October 6

8:30 to 10 Break-out sessions

Capital Ballroom: **Judicial Impairments** (repeated Friday at 10:30)

This workshop will discuss how judicial systems in general and judicial conduct commissions in particular can recognize and address judicial impairment due to mental illness or substance abuse to protect the public and assist judges, including how state lawyer and judge assistance programs may support those efforts. **Moderators:** *Bree Buchanan*, Director, Texas Lawyers' Assistance Program • *Kelly McNeil Legier*, Commission Counsel, Louisiana Judiciary Commission • *Judge Orlinda Naranjo*, Presiding Judge, 419th Civil District Court, Texas State Commission on Judicial Conduct • *J. David Phillips*, Retired Judge, Travis County Texas Court at Law #1

Austin Room: **Best Practices for Judicial Ethics Advisory Committees**

Should advisory committees issue informal opinions? How can advisory committees quickly respond to hot button judicial ethics issues? Should advisory opinions be subject to review? The moderators will lead a discussion of these and other issues in adopting and implementing an effective process for drafting and distributing judicial ethics advisory opinions. **Moderators:** *Judge Spencer Levine*, Fourth District Court of Appeal; Chair, Florida Judicial Ethics Advisory Committee • *Barbara Berenson*, Counsel to the Massachusetts Committee on Judicial Ethics

Lone Star Room: **Disqualification** (also Thursday at 10:30)

10 to 10:30 Break

10:30 to 12 Break-out sessions

Capital Ballroom: **Judicial Impairments** (also Friday at 8:30)

Lone Star Room: **Determining the Appropriate Sanction** (also Thursday at 1:30)

Austin Room: **Pro Se Litigants and Judicial Ethics** (also Thursday at 1:30)

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