



NCSC
National Center for State Courts
Center for Judicial Ethics

24th National College on Judicial Conduct and Ethics Center for Judicial Ethics – National Center for State Courts

October 28-31, 2015

EMBASSY SUITES by HILTON Chicago-Downtown/Lakefront

Program Schedule

Wednesday

2:00 p.m. to 7:00 p.m. Registration Ballroom Foyer

5:30 p.m. to 7:00 p.m. Reception Ballroom Foyer

Thursday

7:30 a.m. to 5:00 p.m. Registration Ballroom Foyer

Thursday

8:30 a.m. to 10:00 a.m. Plenary Session Chicago River Ballroom

Ex Parte Communications

The prohibition on judges' initiating, permitting, and considering ex parte communications is one of the core principles of due process as well as the code of judicial conduct and a frequent basis for complaints and discipline. This session will examine current and recurring issues such as independent investigations, what to do after an inadvertent ex parte communication, and communications "authorized by law." **Moderators:** *Judge Wanda G. Bryant*, North Carolina Court of Appeals; Chair, Judicial Standards Commission • *Judge Edward C. Moss*, 17th Judicial District, Brighton, Colorado • *Cynthia Gray*, Director, National Center for State Courts Center for Judicial Ethics

10:00 a.m. to 10:30 a.m. Break Ballroom Foyer

Thursday

10:30 a.m. to 12:00 p.m. Break-out Sessions

Salon ABC: Compare and Contrast: Judicial Discipline Systems [also Friday 10:30 to 12]
No two state judicial discipline systems are alike, differing by constitution, statute, rule, policy, and practice, but each system has the same goal — effectively and fairly preserving the integrity of and public confidence in the judicial system. To help states learn from each other, this session will compare the variations on issues such as structure (for example, separating the investigative and adjudicative functions), the role of the supreme court, sanctions, forms, and confidentiality. **Moderators:** *Victoria B. Henley*, Director-Chief Counsel, California Commission on Judicial Performance • *Michael Schneider*, Executive Director and General Counsel, Florida Commission on Judicial Qualifications • *Cynthia Gray*, Director, Center for Judicial Ethics National Center for State Courts

Salon D: The Constitutionality of Restrictions on Judges' Political Conduct [also Thursday at 1:30 to 3]

The U.S. Supreme Court 2002 decision in *Republican Party of Minnesota v. White* spawned numerous challenges to restrictions on the campaign and political conduct of judges and judicial candidates. In April, the Court weighed in again, upholding the prohibition on personal solicitation of campaign contributions in *Williams-Yulee v. Florida Bar*. This session will review the post-*White* case-law in light of *Williams-Yulee* and discuss the future of the canons. **Moderators:** *Keith R. Fisher*, National Center for State Courts, Principal Consultant and Senior Counsel for Domestic and International Court Initiatives • *Matthew Menendez*, Counsel, Brennan Center for Justice Democracy Program, New York University School of Law

Salon EFG: Introduction to the Canons 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 and focus on those provisions that result in the most judicial discipline cases. **Moderators:** *Judge Randall L. Cole*, Presiding Circuit Judge for the 9th Judicial Circuit; Member, Alabama Judicial Inquiry Commission • *Adrienne Meiring*, Counsel, Indiana Commission on Judicial Qualifications

12:00 p.m. to 1:30 p.m. Luncheon Atrium

Thursday

1:30 p.m. to 3:00 p.m. Break-out Sessions

Salon ABC: Robe-itis: Causes and Cures [also Friday 8:30-10]

Court observers have postulated that some judges seem to come down with “black robe disease” or “robe-itis,” in which the power of the office makes them more arrogant and less congenial. Considering psychological and social science perspectives as well as judicial experience, this session will examine the possible explanations for the phenomena and the measures conduct commissions and others can take to prevent and remedy it. **Moderators:** *Judge Jeremy D. Fogel*, Director, Federal Judicial Center • *Gerald T. Kaplan*, M.A., L.P., Executive Director of Alpha Human Services and Alpha Service Industries; Member, Minnesota Board on Judicial Standards • *Judge Joyce Williams Warren*, 6th Judicial District, Little Rock; Member, Arkansas Commission on Judicial Discipline and Disability

Salon D: Determining the Appropriate Sanction [also Friday 10:30-12]

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:** *Steven Scheckman*, Schiff, Scheckman & White LLP • *Judge John P. Erlick*, King County Superior Court; Member, Washington State Commission on Judicial Conduct

Salon EFG: The Constitutionality of Restrictions on Judges’ Political Conduct [also Thursday 10:30 to 12]

3:00 p.m. to 3:30 p.m. Break Ballroom Foyer

Thursday

3:30 p.m. to 5:00 p.m. Break-out Sessions

Salon ABC: **Problem-solving Courts and Judicial Ethics** [also Friday 10:30 to 12]

Hundreds of special courts have been established to try a different approach to problems such as drug addiction, domestic violence, and mental illness. This session will consider the ethical issues raised for judges who preside in these courts where their role differs significantly from the judge's role in traditional courts. Among the topics to be covered: ex parte communications, demeanor, fund-raising, and disqualification. In addition, participants will discuss what happens when a problem-solving judge becomes a judicial discipline problem.

Moderators: *Judge Julie J. Bernard*, First Justice, Brockton District Court; Member, Massachusetts Commission on Judicial Conduct • *Judge Nanci J. Grant*, Chief Judge, 6th Circuit Court; Member, Michigan Judicial Tenure Commission • *Judge Leroy D. Kirby*, Adams County Court Judge; Member, Colorado Commission on Judicial Discipline

Salon D: **"Do you know who I am?" The Prestige of Judicial Office** [also Friday 8:30-10]

From letters of recommendation, to traffic stops, to personal disputes, to helping out family and friends — judges are often tempted to mention their title and position. This session will discuss the proper uses and inappropriate abuses of judicial prestige. **Moderators:** *Raymond J. McKoski*, Retired Judge, 19th Judicial Circuit Court; Member, Illinois Judicial Ethics Committee • *Robert H. Tembeckjian*, Administrator and Counsel, New York State Commission on Judicial Conduct

Ohio 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 King Jennings*, Member, Kentucky Judicial Conduct Commission • *Carol LeBlanc*, Member, Louisiana Judiciary Commission • *Lois Richins*, Member, Utah Judicial Conduct Commission

Friday

8:30 a.m. to 10 a.m. Break-out Sessions

Salon ABC: **The 2007 Model Code of Judicial Conduct: Eight Years Later**

This session will review the adoption status of the 2007 American Bar Association Model Code of Judicial Conduct including additions, omissions, and revisions states have made to the model as they adopted it. Participants will also consider any questions that have arisen in interpreting the model and any gaps that have been discovered in applying the model. **Moderators:** *James J. Alfini*, Professor of Law and Dean Emeritus, South Texas College of Law • *Justice Daniel J. Crothers*, North Dakota Supreme Court; Former Chair, American Bar Association Center for Professional Responsibility Policy Implementation Committee

Salon D: **“Do you know who I am?” The Prestige of Judicial Office** [also Thursday 3:30 to 5]

Salon EFG: **Robe-itis: Causes and Cures** [also Friday 8:30-10]

10:00 a.m. to 10:30 a.m. Break

10:30 a.m. to 12 p.m. Break-out Sessions

Salon ABC: **Problem-solving Courts and Judicial Ethics** [also Thursday 3:30 to 5]

Salon D: **Determining the Appropriate Sanction** [also Thursday 1:30 to 3]

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