



Virtual National College on Judicial Conduct and Ethics

Determining the appropriate sanction in judicial discipline cases

Thursday October 28

12:00-1:00 EDT/11:00-12:00 CDT/10:00-11:00 MDT/9:00-10:00 PDT & MST

1:15-2:15 EDT/12:15-1:15 CDT/11:15-12:15 MDT/10:15-11:15 PDT & MST

Examining recent cases, participants will “vote” on what sanctions they would have imposed in actual judicial discipline cases and then discuss what factors influenced their vote. **Moderators:** *John Erlick*, Former Superior Court Judge, King County, Washington; Former Member, Washington State Commission on Judicial Conduct • *David Sachar*, Executive Director, Arkansas Judicial Discipline & Disability.

Crossing the line and training to prevent it: #CourtsToo

Thursday October 28

2:30-3:30 EDT/1:30-2:30 CDT/12:30-1:30 MDT/11:30-12:30 PDT & MST

When does a joke in the courthouse cross the line into a violation of the code of judicial conduct? When is a judge responsible for a hostile work environment? This session will answer these questions and more. The first part will examine real life examples of sexual harassment by judges, including how humor can be offensive and perceived as unwelcome advances, discrimination, and/or harassment. Relevant canons will also be discussed. The second part will address preventative measures and sexual harassment training tailored to judges and court staff. **Moderators:** *Kimberly Vanover Riley*, Partner, Montgomery Jonson LLP, Cincinnati, Ohio • *Judge Erica Yew*, Judge, Superior Court of California; Member, California Supreme Court Committee on Judicial Ethics Opinions • *Konstantina Vagenas*, Director/Chief Counsel, Access to Justice Initiatives, National Center for State Courts.

Abuse of the criminal contempt power and judicial discipline

Friday October 29

12:00-1:00 EDT/11:00-12:00 CDT/10:00-11:00 MDT/9:00-10:00 PDT & MST

Although courts and judicial conduct commissions are generally reluctant to second-guess a judge’s decision to control the courtroom through use of their criminal contempt power, given the liberty interests at stake, judges have been disciplined for over-reacting and for ignoring the procedures designed to ensure that citizens are not thrown in jail precipitously. This session will consider when an appealable abuse of the contempt power may also constitute sanctionable judicial misconduct. Participants will also discuss how judges can control the courtroom without using the contempt power. **Moderators:** *Michelle Beaty*, Special Counsel,

Louisiana Judiciary Commission • *Judge Louis Frank Dominguez*, Presiding Judge, Surprise City Court; Chair, Arizona Commission on Judicial Conduct.

When judges speak up

Friday October 29

1:15-2:15 EDT/12:15-1:15 CDT/11:15-12:15 MDT/10:15-11:15 PDT & MST

This session will strive to illuminate the gray area where off-the-bench judicial speech, the code of judicial conduct, and the First Amendment overlap when judges want to criticize court decisions, urge changes in the law, publicly comment on cases, or express their personal views on controversial issues in extra-judicial settings such as social media, law review articles, op-eds, bar association speeches, yard signs, bumper stickers, or t-shirts. (Campaign speech will not be covered.) **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.

Lessons learned: A decade plus of judges on social media

Friday October 29

2:30-3:30 EDT/1:30-2:30 CDT/12:30-1:30 MDT/11:30-12:30 PDT & MST

The first judicial discipline case involving Facebook was in 2009. The numerous cases since demonstrate that judges need more guidance on how the code of judicial conduct applies online. This session will consider the ethical best practices for judges using social media.

Moderators: *Jacqueline Habersham*, Executive Director, Texas State Commission on Judicial Conduct • *Cynthia Gray*, Director, Center for Judicial Ethics, National Center for State Courts.