

PROPOSED REVISIONS TO CODE OF CONDUCT FOR U.S. JUDGES

Public Comments

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The recusal rules for judges are clearly a major concern for maintaining public confidence in the judicial process.

With respect, I should like to point out a weakness in these existing rules. Specifically, it is important to prohibit judges who are adjunct professors at colleges and other educational institutions from adjudicating cases in which those institutions are a party. The appearance of a conflict of interest that this creates may be obvious; yet this has been a frequent occurrence.

Judges who teach provide an important service to students and the institutions that employ them, and although they are usually not paid for such service, rewards can come in the form of paid travel to other states and countries. In any event, the association of judges with the administrations that employ them for educational purposes should be grounds to disqualify these judges from sitting in cases that involve those administrations.

I propose that the canons contain an explicit statement that would recuse **“The judge who serves as an instructor or on an advisory board of an educational institution that is a party to the proceeding.”**

I appreciate this opportunity to contribute to the commenting process and look forward to any further discussion of my proposal.