

SECTION 13



ETHICS FOUNDATIONS

Why Judicial Ethics Matters

INTEGRITY ★ INDEPENDENCE ★ IMPARTIALITY ★ PUBLIC CONFIDENCE



JUDICIAL ETHICS ADVISORY BOARD (JEAB)



Created by the Pennsylvania Supreme Court



Provides ethics guidance to Pennsylvania judges



Helps preserve public trust and confidence in the judiciary



Independent from the Judicial Conduct Board and Court of Judicial Discipline



SOURCES OF ETHICAL GUIDANCE

1

1 PENNSYLVANIA CONSTITUTION

Foundation of judicial conduct authority.



2 RULES & CANONS (STANDARDS OF CONDUCT)

Standards governing judges and judicial candidates.



3 COURT RULES (LOCAL ACM RULES)

Procedural and local requirements.



4 COMMON SENSE

Professional judgment and public perception matter.

WHY ETHICS MATTERS

Ethics standards exist to ensure that judicial decisions are based upon:



LAW



FACTS



FAIRNESS

— not personal interests, favoritism, or outside influence.

FOUR ETHICS PILLARS



INDEPENDENCE



INTEGRITY



IMPARTIALITY



PUBLIC CONFIDENCE



REMEMBER



PUBLIC CONFIDENCE IS FRAGILE

▲ A judge's conduct may violate ethics standards even when:



No law is broken



No case is affected



No actual bias exists

BECAUSE:

THE APPEARANCE OF IMPROPRIETY CAN BE JUST AS DAMAGING AS ACTUAL IMPROPRIETY.



How conduct appears to the public matters.



HIGH-YIELD TAKEAWAY

Ethics rules are designed not only to ensure fairness, but also to ensure the public believes the judiciary is fair.



SECTION 13



ETHICS

CONSTITUTIONAL ETHICS FRAMEWORK

The Foundation of Judicial Conduct

The Pennsylvania Constitution establishes the ethical boundaries for judges.



KEY DEFINITIONS



EMOLUMENT

Any compensation, payment, fee, or financial benefit conferred as an incident of office.



PERQUISITE ("PERK")

A privilege, gain, or advantage associated with office beyond lawful compensation.



WHY THIS MATTERS

These constitutional provisions prohibit judges from accepting anything of value that could compromise independence or influence judicial decision-making.



ARTICLE V, §17

Judges of the unified judicial system shall be governed by rules and canons of judicial conduct established by the Supreme Court.



ARTICLE V, §17(c)

Judges shall not receive, directly or indirectly, any of the following from any source beyond their lawful compensation:



FEES



EMOLUMENTS



PERQUISITES

These terms are broadly interpreted to prevent even the *appearance* of impropriety.



ARTICLE V, §18

Judges may be disciplined for:

- ✓ Misconduct
- ✓ Neglect of or refusal to perform duties
- ✓ Violation of the Code of Judicial Conduct
- ✓ Conduct prejudicial to the administration of justice or which brings the judicial office into disrepute



REMEMBER



ETHICS RULES APPLY EVEN TO CONDUCT OCCURRING *OUTSIDE THE COURTROOM*.

A judge's private behavior can impact public confidence in the integrity and impartiality of the judiciary.



SECTION 13



CANON 1

INTEGRITY OF THE JUDICIARY

A JUDGE SHOULD PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY.



1.1

COMPLIANCE WITH THE LAW

A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

1.2

PROMOTING CONFIDENCE IN THE JUDICIARY

A judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.



ONE OF THE MOST FREQUENTLY CITED ETHICS RULES!

1.3

AVOIDING ABUSE OF PRESTIGE OF OFFICE

A judge shall not abuse the prestige of judicial office to gain advantage for the judge or others, or to allow others to gain advantage.



SCENARIO SPOTLIGHT

"DO YOU KNOW WHO I AM?"

TRAFFIC STOP – SEEKING SPECIAL TREATMENT

While stopped for a traffic violation, a judge says to the officer:

"Do you know who I am?"
I'm a judge."



This statement may:

- Seek special treatment
- Imply misuse of judicial office
- Damage public confidence



POTENTIAL VIOLATION OF RULE 1.3

KEY TAKEAWAYS – CANON 1



Judges must follow the law in both their official and personal conduct.



Public confidence is earned through consistent, ethical behavior.



Avoid both impropriety **and** the **appearance** of impropriety.



Do not use the judicial position to gain advantage for yourself or others.



REMEMBER



JUDGES MUST AVOID BOTH:

IMPROPRIETY

Actual misconduct or unethical conduct



APPEARANCE OF IMPROPRIETY

Conduct that may look improper to a reasonable person



HOW IT LOOKS TO THE PUBLIC MATTERS.



HIGH-YIELD POINT

Even if no harm is **intended**, if the public could question a judge's conduct, **public confidence** in the judiciary may be compromised.

"

Justice must satisfy the appearance of justice.

– BENJAMIN N. CARDOZO



ETHICS



PAGE 3 OF 6



SECTION 13



ETHICS

CANON 2 JUDICIAL DUTIES

A JUDGE MUST UPHOLD THE HIGHEST STANDARDS
IN PERFORMING THE DUTIES OF JUDICIAL OFFICE.



CORE REQUIREMENTS



IMPARTIALITY

Decide cases based on law and facts, without bias or prejudice.



FAIRNESS

Treat all parties with dignity, courtesy, and respect.



COMPETENCE

Maintain the knowledge and ability necessary for judicial office.



DILIGENCE

Devote the time and attention necessary to perform duties well.



DECORUM

Conduct proceedings with patience, dignity, and professionalism.



COOPERATION

Uphold and support the integrity of the judicial system.

MAJOR TOPICS IN CANON 2

2.3



Bias, Prejudice & Harassment

Avoid bias and harassment; promote respect in the courtroom and workplace.

2.4



External Influences

Do not allow personal, political, or other outside influences to affect judicial decisions.

2.6



Right To Be Heard

Ensure all parties have a meaningful opportunity to be heard.

2.9



Ex Parte Communications

Do not communicate outside the presence of all parties unless expressly permitted.

2.10



Public Statements

Avoid public comment that could affect the outcome or integrity of proceedings.

2.13



Administrative Appointments

Make appointments on the basis of merit and qualifications only.

2.15



Responding To Misconduct

Report judicial misconduct; do not ignore ethical violations.

ETHICS DANGER ZONE



EX PARTE COMMUNICATION

Communicating with one side about a case outside the presence of the other side.

EXAMPLES INCLUDE:

- Phone calls, emails, texts, or letters
- Social media messages
- Communications through a third party
- In-person conversations

Unless allowed by rule or with proper notice and opportunity for all parties to respond.

PRACTICAL EXAMPLE

A lawyer stops by your office to "give you a heads up" about a case that will be coming before you.



NOT OK

This is an ex parte communication and creates an appearance of impropriety.



OK APPROACH

Politely decline, and instruct the lawyer to file any information with the court and serve all parties.



REMEMBER

A FAIR PROCESS IS JUST AS IMPORTANT AS A FAIR OUTCOME.

The public must have confidence that justice is administered fairly, impartially, and in accordance with the law.



HIGH-YIELD TAKEAWAY

Judicial duties are the foundation of public trust in our courts.



Justice delayed is justice denied, but justice that appears unfair is justice that is not trusted.



SECTION 13



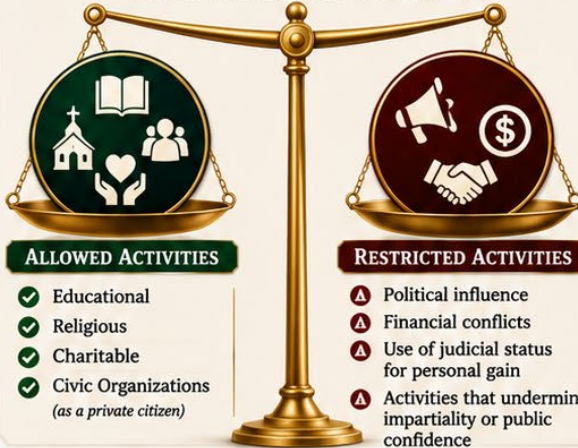
CANON 3 EXTRAJUDICIAL ACTIVITIES

A JUDGE MAY ENGAGE IN EXTRAJUDICIAL ACTIVITIES THAT DO NOT INTERFERE WITH THE PROPER PERFORMANCE OF JUDICIAL DUTIES OR CALL INTO QUESTION THE JUDGE'S IMPARTIALITY.



BALANCING SERVICE AND IMPARTIALITY

A judge may participate in outside activities, but must always protect public confidence.



ALLOWED ACTIVITIES

- ✓ Educational
- ✓ Religious
- ✓ Charitable
- ✓ Civic Organizations
(as a private citizen)

RESTRICTED ACTIVITIES

- ⚠ Political influence
- ⚠ Financial conflicts
- ⚠ Use of judicial status for personal gain
- ⚠ Activities that undermine impartiality or public confidence

GIFTS, BENEFITS & HONORARIA



RULE 3.13

A judge shall not accept a gift, benefit, or other thing of value that might reasonably tend to:

- ✗ Influence the judge in the performance of duties
- ✗ Create a feeling of obligation or favoritism
- ✗ Cause the judge to appear partial
- ✗ Undermine confidence in the judge's integrity, impartiality, or independence

OK EXAMPLES

Informational materials, food and refreshments at events, items of minimal value, or hospitality accepted as part of official duties.



FUNDRAISING CAN CREATE ETHICS RISKS!

Fundraising activities can raise serious ethical concerns if they:



Create an appearance of special access or influence



Suggest gratitude may affect judicial decisions



Undermine public confidence in the court's impartiality



Involve direct solicitation by the judge or use of judicial resources



ADDITIONAL CONSIDERATIONS



Do not allow judicial position to be used to advance private interests.



Avoid organizations or activities that conflict with judicial responsibilities.



Ensure outside activities do not interfere with court duties.



Use caution with social media and public communications.



When in doubt, decline.
Public confidence is the priority.



SCENARIO SPOTLIGHT

A CHARITABLE DINNER INVITATION

A local organization invites you to be the guest of honor at a fundraising dinner.



- Will your attendance imply that donors will have special access or influence?
- Could your participation create an appearance of favoritism?
- Would a reasonable person question your impartiality?

WHEN IN DOUBT, SEEK GUIDANCE.
Protect the integrity of the office.



REMEMBER

IF A REASONABLE PERSON COULD QUESTION YOUR IMPARTIALITY, THE GIFT OR BENEFIT MAY CREATE A PROBLEM.



APPEARANCE MATTERS. PUBLIC CONFIDENCE IS EVERYTHING.



SECTION 13



ETHICS

★ CANON 4 ★ POLITICAL ACTIVITY

Judges and judicial candidates must avoid political activity that is inconsistent with judicial independence, impartiality, and the public's confidence in the courts.



JUDICIAL CANDIDATES: SPECIAL RULES APPLY



CAMPAIGN ACTIVITIES

Must not promise how you will decide cases or engage in pledges of conduct.



PUBLIC ENDORSEMENTS

Cannot seek or accept endorsements that could create an appearance of impropriety.



POLITICAL INVOLVEMENT

May not engage in political activity that unduly calls into question your impartiality.



CAMPAIGN COMMITTEES

Campaign committees must follow strict rules and reporting requirements.



The goal is to ensure that justice is blind—not influenced by politics or special interests.

PROHIBITED CONDUCT



POLITICAL ACTIVITY INCONSISTENT WITH JUDICIAL INDEPENDENCE

Do not participate in political activities that may commit or appear to commit the judge.



ACTIONS THAT UNDERMINE IMPARTIALITY

Do not engage in conduct that may reasonably call into question your impartiality.



CONDUCT THAT REDUCES PUBLIC TRUST

Do not act in ways that erode public confidence in the integrity of the judiciary.



MISUSE OF JUDICIAL PRESTIGE

Do not use the prestige of judicial office to promote a candidate, cause, or organization.

TOP ETHICS VIOLATIONS FOR JUDGES AND JUDICIAL CANDIDATES

1



POLITICAL ACTIVITY

Engaging in activities that compromise or appear to compromise judicial independence.

2



ABUSE OF PRESTIGE

Using the position or influence of judicial office to gain an advantage for oneself or others.

3



PUBLIC CONFIDENCE ISSUES

Conduct that damages the public's trust in the fairness and integrity of the courts.

4



GIFT & BENEFIT VIOLATIONS

Accepting gifts or benefits that may influence or appear to influence judicial decisions.

5



EXTRAJUDICIAL CONFLICTS

Outside activities or associations that interfere with judicial duties or impartiality.



⚠ REMEMBER ⚠

THE ETHICS QUESTION IS OFTEN NOT:

“CAN I DO IT?”

THE ETHICS QUESTION IS:

“HOW WOULD THIS APPEAR TO A REASONABLE MEMBER OF THE PUBLIC?”



FINAL TAKEAWAY

Judicial ethics are not just about following rules—they are about preserving the **integrity** of the judiciary and maintaining the **public's trust** that justice is administered fairly and impartially.

“Public confidence in the courts is earned every day through ethical conduct—on the bench and off.”

