


**JUDICIAL STANDARDS UPDATE:
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CANON 3C: DISQUALIFICATION


- Most frequent request for IAOs
 - Fact specific; encourage you to call the JSC
- "A judge should disqualify himself/herself in a proceeding in which the judge's impartiality may reasonably be questioned..."
- Objective **AND** Subjective Analysis
 - **Objective:** see Canon 3C(1) for examples
 - Reasonably educated person standard
 - **Subjective:** ask yourself, "can I be fair/impartial?"
- Keep in mind – Balance ^ with what you were elected/appointed to do – hear cases!



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**CANON 3A(3):
DEMEANOR/INAPPROPRIATE COMMENTS**


- Outside of legal error, most common grounds for complaints we receive.
- "A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in the judge's official capacity, and should require similar conduct of lawyers, and of the judge's staff, court officials and others subject to the judge's direction and control."
- Internal narrative ≠ Court narrative
 - Pause, think, then speak
 - Ask yourself:
 - How would I feel listening/reading this comment back to myself?
 - How does this add to the proceeding?
 - Am I the best one to make this comment?



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CANON 3B: ADMINISTRATIVE DUTIES


- Canon 3B(1) "A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials."
- Canon 3A(1) – duty to comply with the law and maintain your professional competence in it.
- Communication = Key
 - Courthouses are teams; don't be the one that makes others' work more difficult
 - Think:
 - Can I do this? (NCGS)
 - Even if I can, should I do this? (Impact on other people)
 - If I should, how should I go about doing it? (Teamwork)
- Calendars/staffing, working during lunch/after 5:00pm, etc.




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CANON 3B: ADMINISTRATIVE DUTIES CONTINUED

- Canon 3B(2) "A judge should require the judge's staff and court officials subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge."
- Canon 3B(3): "A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware."
- Can't turn a blind eye.
 - If someone in your courthouse is not being a team player, you have a duty to respond.



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Please don't hesitate to contact us!

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