



JUDICIAL STANDARDS UPDATE: 2024 APPELLATE TRAINING: NEW & EMERGING LEGAL ISSUES

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CANON 3C: DISQUALIFICATION

"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!

- It is **NOT** appropriate for judges to recuse to please a party (e.g. get bullied off of a case) or "because it is easier"
 - See RAO 14-02
- Administration of justice concerns:
 - Can I easily find a replacement? What impact will this have on my judicial colleagues, court efficiency, the parties, etc?
 - And...



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BALANCING WITH CANONS 1 & 2A

Duty to abide by the law and at all times promote the public's confidence in the integrity and impartiality of the judiciary.

- **On and off** of the bench

Relating to disqualification:

- Public comments – staking out your position on a type of case/topic/litigant, comments made at events
- Membership to organizations (Canons 4 & 5)
- Attendance to events (Canons 4, 5, & 7)
- Acceptance of gifts/recognition (Canon 5C(4))



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CANON 3: PRIORITIZATION OF JUDICIAL RESPONSIBILITIES

As judges, you are both elected/appointed officials and members of the communities you serve. As a result, it is generally understood and encouraged that you are involved in outside activities under Canons 4, 5, and 7.

Must always keep in mind that Canon 3 calls for judges to prioritize their judicial responsibilities over all of their other activities.

- In this context, judges must avoid creating frequent disqualification issues for themselves.
- Under the Code - *“Can I do this?”*
- Personally - *“Should I do this?”*



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Please don't hesitate to contact us!

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