DRAFT -KRF JULY 16, 2010 FOR DISCUSSION PURPOSES ONLY

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON JUDICIAL INDEPENDENCE

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

RESOLVED, that the American Bar Association adopt the following recommendations of the 1

Judicial Disqualification Project, dated ______, in order to improve judicial disqualification practices, and procedures among the states and promote public confidence in the courts; 2

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FURTHER RESOLVED, that the following recommendations and report of the Judicial 4

Disqualification Project be transmitted to the highest court of each state and territory and to any 5

other entities which have regulatory responsibility for judicial disqualification practices, and 6

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procedures in the jurisdiction. 7

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RECOMMENDATIONS FOR IMPROVING JUDICIAL DISQUALIFICATION PRACTICES, AND PROCEDURES AMONG THE STATES

- 8 I. Each State^{*/} should have in place clearly articulated procedures, whether statutory 9 or judicial rules-based, for the handling of disqualification determinations and the 10 review of denials of such motions. These procedures should be designed to 11 produce resolutions of judicial disqualification issues that are both prompt and 12 meaningful.
 - II. In States in which judges face some kind of election:

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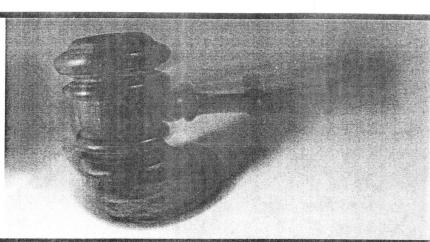
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- A. States should consider adopting disclosure requirements for litigants and lawyers that have provided, directly or indirectly, campaign support in an election involving a judge before whom they are appearing, in order to facilitate a determination whether, under the circumstances, the judge's impartiality might reasonably be called into question.
- B. States should consider providing guidance to judges about their disclosure obligations and about the circumstances under which presiding over a case involving litigants or lawyers who previously contributed to an election involving the judge might reasonably be perceived as calling the judge's impartiality into question.

^{*/} When capitalized, the term "State" or "States" as used herein refers to courts or legislatures, depending on which has regulatory authority over the judicial disqualification practices and procedures within the jurisdiction, and also encompasses U.S. territories.



Standing Committee on Judicial Independence



Judicial Disqualification Forum: Finding Prompt and Meaningful Solutions for State Judiciaries

Saturday, August 7, 2010 10:00 A.M.—12:00 P.M. San Francisco Marriott Marquis Foothill G2, Atrium Level

The Standing Committee on Judicial Independence invites you to attend an open forum the purpose of which is to encourage audience comments and suggestions on the current draft judicial disqualification resolution and report. The Committee will disseminate the draft in the middle of July. Following the open forum, the Committee will use your comments and suggestions to refine the draft before its submission to the House of Delegates at the 2011 Midyear Meeting.

The Judicial Disqualification Project is an American Bar Association Enterprise Fund project in collaboration with the Judicial Division, the Tort Trial & Insurance Practice Section, the Section of Litigation, and the Center for Professional Responsibility.

For more information, please contact: Denise Jimenez, Judicial Independence Initiatives Coordinator Telephone: 312.988.5723 · E-mail: jimenezd@staff.abanet.org