**PODCAST**

**JUDICIAL CANONS**

**3/26/23**

**Hello folks, and welcome to another edition of the Good Judge-ment Podcast. I’m Wade Padgett.**

*And I’m Tain Kell. Alright Wade, go ahead with your disclaimer…*

**Folks, sometimes Tain comes up with some way out stuff. I mean really, really out there-**

*We all remember the Elmo Judicial Writing episode…*

**And sometimes I just really don’t know what to say-**

*Do not hate on me for my creative genius!*

**So today is one of those days. My disclaimer is that, this is all Tain.**

*That’s right, Wade. Today we’re going to discuss the canons of judicial ethics. But you know that can get really boring. So I have taken it upon myself to put them into…. Wait for it…. POETRY!*

**Yeah, not just poetry, but Dr. Seuss poetry!**

*Exactly Wade! So, without further ado, I present to you, for your edification and entertainment:*

**Oh, The Places You’ll (Hopefully Never) Go!**

**-The Canons of Judicial Ethics[[1]](#endnote-1)**

by Tain Kell

[Apologies to Dr. Seuss]

Congratulations!

Today is your day,

You’re judging for real,

So, let’s not delay!

You have brains in your head,

And a robe on your back,

And some ethical canons,

To keep you on track.

You’re out on your own,

And you know what is what,

Alright Juris Doctor,

Let’s see what you’ve got!

Canon 1 is a primary[[2]](#endnote-2)

Canon you know,

It instructs you some places,

You just shouldn’t go.

“Comply with the law”,[[3]](#endnote-3)

That’s a good place to start,

So remember, be sure

To take it to heart.

“Promote public confidence”,[[4]](#endnote-4)

Earn their respect,

That’s surely a canon,

Not to neglect.

“Respect the prestige,

Of the office you hold”,[[5]](#endnote-5)

It’s a wonderful rule,

Not to be bought or sold.

**WADE INSISTS ON READING THE HEADINGS OF CANON 1 WITH A BRIEF EXPLANATION…**

Canon 2 is a canon,[[6]](#endnote-6)

Much like the first,

If you miss it you’ll sure

Take a turn for the worst.

“Make your job number one”[[7]](#endnote-7)

On your priority list,

“Be impartial and fair”[[8]](#endnote-8)

And never be missed.

“Bias and prejudice,

Leave them behind”

“Harassment?”[[9]](#endnote-9)

Are you out of your judicial mind?

Your outside-the-office,[[10]](#endnote-10)

Should not interfere,

With any or all

Of the cases you’ll hear.

Get your admin stuff done,[[11]](#endnote-11)

Help it all stay on track,

Or you surely might lose,

That black robe off your back.

“Everyone should be heard”,[[12]](#endnote-12)

And “get your stuff done”,

Remember your job

Is priority ONE!

Your brains are your biggest

Judicial tool,

Stop hemming and hawing,

Remember: “JUST RULE”! [[13]](#endnote-13)

Keep your courtroom in order,[[14]](#endnote-14)

Bang the gavel if you must,

But always be

“Courteous, civil and just”.

Give a listening ear,

To each lawyer and party,

But don’t ever allow them

To call you *ex parte*![[15]](#endnote-15)

When you speak to the public[[16]](#endnote-16)

You should never go near

Any cases or matters

You will or might hear.

If it’s pending in your court,

You better clam up,

Better stay silent

Keep the big trap door shut.

If you’re related to a party,[[17]](#endnote-17)

To the third degree,

Or your personal knowledge

Could cloud how you see,

Just recuse from the case,

And pretend you don’t care,

So the public will know,

You’re impartial and fair.

Keep your courthouse staff honest[[18]](#endnote-18)

And under control,

Understand they must mimic.

Your judicial role.

An appointment you make[[19]](#endnote-19)

Is important, so save it,

For non-family members,

And never play favorite(s)!

If someone’s impaired,[[20]](#endnote-20)

Either lawyers or judges,

You should say something quickly,

By giving them nudges.

If they’re conducting themselves,[[21]](#endnote-21)

Inappropriately,

Address to the right

State authority.

**AGAIN, WADE INTRUDES BY INTERRUPTING ART WITH EXPLANATION OF CANON 2 AND ITS SUBSECTIONS**

And now we move to

Canon number 3,[[22]](#endnote-22)

On Extra-Judicial

Activity!

Don’t do anything,[[23]](#endnote-23)

In your personal life,

That would serve to cause you,

Judicial strife.

You are free to engage.

In activities,

But consider their look

In the public eye, please.

You may testify before[[24]](#endnote-24)

Government on the law,

But not on the character[[25]](#endnote-25)

Of your brother-in-law.

Your appointments you limit[[26]](#endnote-26)

To stuff law related,

Unless you are sure

Fairness can’t be debated.

Don’t use information[[27]](#endnote-27)

You received in your robe,

For anything not,

A part of your job(e)!

Invidious discrim-[[28]](#endnote-28)

Ination you know,

Is a non-starter,

A certain no-go!

So don’t be a member

Of a private club,

Or organization

That gives folks the snub.

Participation

In law stuff is wise,[[29]](#endnote-29)

If the organization

Won’t (you) compromise.

Schools, civics, religions

And charities rock,

But you cannot raise funds,

On or off of the clock.

No fiduciary duties,[[30]](#endnote-30)

Except for estates.

If it might come before you,

Don’t participate.

Arbitration, mediation,[[31]](#endnote-31)

Are just not okay,

Unless you’re a senior,

Then ADR all day.

You can’t practice law,[[32]](#endnote-32)

It’s as simple as that,

No ifs, ands or buts,

Get that rule down pat.

Do not do business[[33]](#endnote-33)

With counsel, party or other,

Who might compromise you,

Your sister or brother.

You can manage a business,[[34]](#endnote-34)

Or have some investments,

As long as they won’t,

Prejudice any judgments.

You can get compensation,

For things okayed by rule,

But it can’t be outrageous,

So don’t be a fool.

You should not take a gift,[[35]](#endnote-35)

From someone before you,

And if you take anything,

Always be sure to,

Check with the rules,

Like Rule 3.13,

If it’s over ($)500,

Then report it all yearly.

But you can accept trips,

To law functions and bar,

Related activities

If they’re on par.

Of course, you’ll receive,

Awards that you’ve earned,

And prizes for contests,

Where your job’s not concerned.

Expense reimbursement,[[36]](#endnote-36)

Must be the real cost,

Or you might be real sad,

For the job that you lost!

There are annual reports,[[37]](#endnote-37)

For your just compensation,

And your campaign expenses,

So enjoy the frustration.

But there’s a cheat sheet that’s here,

Attached at the end,

That will help you sort out,

That reporting, my friend!

**DRY AND UNARTISTIC DISCUSSION OF CANON 3…**

So now Canon 4,[[38]](#endnote-38)

On political stuff,

So pay close attention,

But it’s really not tough.

You can’t join a party,[[39]](#endnote-39)

You’re non-partisan now,

That’s a thing of the past,

So don’t have a cow!

You have to campaign,[[40]](#endnote-40)

As an elected official,

But just keep it confined,

To all things judicial.

You can’t hold an office,

In an organization,

That has a political,

Affiliation.

So steer clear of political

Meetings and such,

Unless it’s your special

Election year, Judge.

If you are a judge,[[41]](#endnote-41)

Seeking higher position,

Recommendations are fine,

And committee communications.

If you’re campaigning for[[42]](#endnote-42)

A non-judgey-type gig,

You’ll have to resign,

And give up your wig.

All the rules that apply,[[43]](#endnote-43)

To campaigning and the like,

Apply to both judges,

And the wanna-be type.

So whether you’re judges,

Or just wanna be,

Commit Canon 4,

To your memory!

**WADE INTRUDES FOR A FINAL, DRY ANALYSIS OF CANON 4**

Well that’s all of the canons,

And the sections and rules,

And all of the hints and

The sayings and tools,

So be your name Padgett,

McBurney, or Kell,

Or Melton, or Stephens,

Or Brown, or Gobeil,

Just turn to these rules,

To guide on your way,

You’re off to great places,

Today is your day!

[Seriously, apologies to Dr. Seuss]

1. Code of Judicial Conduct, Georgia Judicial Qualifications Commission: <https://img1.wsimg.com/blobby/go/d72953e9-9d0a-4693-87a4-cedcc5933b8d/downloads/Code%20of%20Judicial%20Conduct%202020.pdf?ver=1617110515663> [↑](#endnote-ref-1)
2. Code of Judicial Conduct, Canon 1, “Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all their actions”. [↑](#endnote-ref-2)
3. Rule 1.1, Complying with the law, p. 13. [↑](#endnote-ref-3)
4. Rule 1.2, Promoting public confidence in the judiciary, p. 13. [↑](#endnote-ref-4)
5. Rule 1.3, Respecting the prestige of the judiciary, p. 14. [↑](#endnote-ref-5)
6. Code of Judicial Conduct, Judicial Canon 2, Canons of Judicial Conduct, “Judges shall perform the duties of judicial office impartially, competently, and diligently”, p. 16. [↑](#endnote-ref-6)
7. Rule 2.1, Giving priority to judicial duties in general, p. 16. [↑](#endnote-ref-7)
8. Rule 2.2, “Impartiality and Fairness”, p. 16. [↑](#endnote-ref-8)
9. Rule 2.3, “Bias, prejudice and harassment”, p. 16. [↑](#endnote-ref-9)
10. Rule 2.4, “External influences on Judicial conduct”, p. 18. [↑](#endnote-ref-10)
11. Rule 2.5, “Performing administrative responsibilities”, p. 18. [↑](#endnote-ref-11)
12. Rule 2.6, “Ensuring the right to be heard, p. 19. [↑](#endnote-ref-12)
13. Rule 2.7, “Responsibility to decide”, p. 20. [↑](#endnote-ref-13)
14. Rule 2.8, “Adjudicating pending proceedings fairly”, p. 20. [↑](#endnote-ref-14)
15. Rule 2.9, “Assuring fair hearings and averting *ex parte* communication”, p.21. [↑](#endnote-ref-15)
16. Rule 2.10, “Judicial statements on pending proceedings and impending matters”, p. 24 [↑](#endnote-ref-16)
17. Rule 2.11, “Disqualification and recusal”, p. 25. [↑](#endnote-ref-17)
18. Rule 2.12, “Supervisory duties”, p. 29. [↑](#endnote-ref-18)
19. Rule 2.13, “Administrative appointments”, p.30. [↑](#endnote-ref-19)
20. Rule 2.14, “Disability and impairment”, p. 31. [↑](#endnote-ref-20)
21. Rule 2.15, “Responding to judicial and lawyer misconduct”, p. 31. [↑](#endnote-ref-21)
22. Code of Judicial Conduct, Canon 3, Code of Judicial Conduct, “Judges shall regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties”. [↑](#endnote-ref-22)
23. Rule 3.1, “Participation in extra-judicial activities”, p. 33. [↑](#endnote-ref-23)
24. Rule 3.2, “Appearance before governmental bodies and consultation with government officials”, p. 33. [↑](#endnote-ref-24)
25. Rule 3.3, “Testifying as a character witness”, p. 33. [↑](#endnote-ref-25)
26. Rule 3.4, “Accepting extra-judicial appointments”, p. 34. [↑](#endnote-ref-26)
27. Rule 3.5, “Use of non-public information”, p. 34. [↑](#endnote-ref-27)
28. Rule 3.6, “Avoiding associations that undermine the impartiality of judges”, p. 34. [↑](#endnote-ref-28)
29. Rule 3.7, “Participation in law-related, educational, religious, charitable, fraternal or civic organizations and activities”, p. 35. [↑](#endnote-ref-29)
30. Rule 3.8, “Fiduciary activities”, p. 37. [↑](#endnote-ref-30)
31. Rule 3.9, “Arbitration and mediation”, p. 38. [↑](#endnote-ref-31)
32. Rule 3.10, “Practice of law”, p. 38. [↑](#endnote-ref-32)
33. Rule 3.11, “Financial activities and business dealings”, p. 38. [↑](#endnote-ref-33)
34. Rule 3.12, “Receiving extra-judicial compensation, p. 40. [↑](#endnote-ref-34)
35. Rule 3.13, “Gifts or similar benefits”, p. 40. [↑](#endnote-ref-35)
36. Rule 3.14, “Expense reimbursement”, p. 45. [↑](#endnote-ref-36)
37. Rule 3.15, “Reports and procedures for reporting”, p. 45. [↑](#endnote-ref-37)
38. Code of Judicial Conduct, Canon 4, Code of Judicial Conduct, “Judges shall refrain from political activity inappropriate to their judicial office”, p. 47. [↑](#endnote-ref-38)
39. Rule 4.1, “Political conduct in general”, p. 47. [↑](#endnote-ref-39)
40. Rule 4.2, “Campaign conduct”, p. 47. [↑](#endnote-ref-40)
41. Rule 4.3, “Candidacy for appointive judicial office”, p. 50. [↑](#endnote-ref-41)
42. Rule 4.5, “Candidacy for non-judicial office”, p. 50. [↑](#endnote-ref-42)
43. Rule 4.6, “Applicability of the political conduct rules”, p. 51. [↑](#endnote-ref-43)