

CHAPTER 61. RULES GOVERNING THE CONDUCT OF MEMBERS OF THE COURT OF JUDICIAL DISCIPLINE

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Source

The provisions of this Chapter 61 adopted November 1, 1994, effective immediately, 24 Pa.B. 5649, unless otherwise noted.

Rule 1. Definitions.

Code of Judicial Conduct—The Code adopted by the Supreme Court of Pennsylvania to govern the conduct of officers of the judicial system.

Court—The Court of Judicial Discipline.

Magisterial District Judge member—that member of the court appointed by the Supreme Court, who is a magisterial district judge.

Judicial member—a member of the court who is also a judge of a court of common pleas, the Superior Court or the Commonwealth Court.

Non-judicial member—a member of the court who is a non-judge member of the bar of the Supreme Court or a non-lawyer elector.

Rules Governing Standards of Conduct of Magisterial District Judges—The Rules adopted by the Supreme Court of Pennsylvania to govern the conduct of Magisterial District Judges.

Rules of Professional Conduct—The Rules adopted by the Supreme Court of Pennsylvania to govern the conduct of attorneys.

Rule 2. Scope of Rules.

Judicial members of the Court are subject primarily to the Canons of the Code of Judicial Conduct and are subject to these Rules only to the extent that no conflict arises with the Code of Judicial Conduct. The Magisterial District Judge member of the Court is subject primarily to the Rules Governing Standards of Conduct of Magisterial District Judges and is subject to these Rules only to the extent that no conflict arises with the Rules Governing Standards of Conduct of Magisterial District Judges. Non-judicial members of the Court are subject to these Rules.

Rule 3. Integrity and Independence of the Judiciary; Construction.

An independent and honorable judiciary is indispensable to justice in our society. As the Court of Judicial Discipline is charged with maintaining the integrity

and independence of the judiciary, a member should participate in establishing, maintaining, and enforcing, and should personally observe high standards of conduct. The provisions of these Rules should be construed and applied to further that objective.

Rule 4. Avoidance of Impropriety and the Appearance of Impropriety.

A. A member should respect and comply with the law and should conduct the member's personal and professional business at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A member should not allow the member's family, social, or other relationships to influence the member's judicial conduct or judgment. A member should not lend the prestige of the member's office to advance the private interests of others; nor convey or knowingly permit others to convey the impression that they are in a special position to influence the member. A member should not testify voluntarily as a character witness.

Rule 5. Impartial and Diligent Performance of Duties.

The judicial duties of members should take precedence over all other activities, so far as is practicable. A member's judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. *Adjudicative Responsibilities.*

(1) A member should be faithful to the law and should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A member should maintain order and decorum in proceedings before the member.

(3) A member should be patient, dignified, and courteous to litigants, witnesses, lawyers, and others with whom the member deals in his or her official capacity, and should require similar conduct of lawyers, court staff and officials, and others subject to the member's direction and control.

(4) A member should accord to every person who is legally interested in a proceeding, or to the person's lawyer, full right to be heard according to law, and, except as authorized by law, must not consider ex parte communications concerning a pending proceeding. Members of the Court and Court staff shall not initiate nor, to the extent possible, engage in ex parte communications concerning a case pending before the Court.

(5) A member should dispose promptly of the business of the Court.

(6) Members and Court staff should abstain from public comment about a pending proceeding in the Court or a matter which may come before the Court. This subsection does not prohibit members or Court staff specifically authorized by the Court from making public statements in the course of their official duties or from explaining for public information the procedures of the Court.

B. *Administrative Responsibilities.* A member should diligently discharge his or her administrative responsibilities and facilitate the performance of the administrative responsibilities of other members and Court staff. Court staff should perform their duties with diligence and fidelity.

C. *Disqualification.*

(1) A member shall not participate in the adjudication of any matter in which the member is a complainant, the subject of a Board complaint, a party or a witness.

(2) A member should not participate in a proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the member served as a lawyer in the matter in controversy, or a lawyer with whom the member practices or previously practiced law served during such association as a lawyer concerning the matter, or the member or such lawyer has been a material witness concerning it; or

(c) the member or the member's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an employee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the member to have a substantial financial interest in the outcome of the proceeding or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; or

(iv) is to the member's knowledge likely to be a material witness in the proceeding.

(3) A member should inform himself or herself about that member's personal interests and make a reasonable effort to be informed about the personal or financial interests of the member's spouse and persons within the third degree of relationship to either of them or their spouses.

(4) For the purposes of this section, the degree of relationship is calculated according to the civil law system.

Rule 6. Extra-Judicial Activities of Members.

A. Judicial members shall be governed by Canons 4, 5 and 6 of the Code of Judicial Conduct and not by this Rule.

B. The magisterial district judge member shall be governed by Rules 11, 13 and 14 of the Rules Governing Standards of Conduct of Magisterial District Judges and not by this Rule.

C. Non-judicial members may engage in extra-judicial vocational, civic, charitable and financial activities subject to the following restrictions:

- (1) Non-judicial members should refrain from engaging in non-judicial activities which interfere with the performance of judicial duties.
- (2) Non-judicial members should not use or permit the use of the prestige of the judicial office to solicit funds for educational, religious, charitable, fraternal, or civic organizations.
- (3) Non-judicial members may not, during the member's term of service, hold a compensated public office or appointment under this Commonwealth.

Rule 7. Political Activity.

A. Judicial members shall be governed by Canon 7 of the Code of Judicial Conduct and not by this Rule.

B. The magisterial district judge member shall be governed by Rule 15 of the Rules Governing Standards of Conduct of Magisterial District Judges and not by this Rule.

C. Non-judicial members of the Court shall not hold office in any political party or political organization during the member's term of service.

- (1) Non-judicial members should not act in any capacity in any political organization of a candidate for judicial office or judicial appointment.
- (2) Non-judicial members should not publicly endorse a candidate for judicial office or judicial appointment and should not solicit or contribute funds for a candidate for judicial office.

Source

The provisions of this Rule 7 amended March 18, 2008, effective immediately, 38 Pa.B. 1445. Immediately preceding text appears at serial page (309846).

Rule 8. Subsequent Employment of Members and Legal Staff.

Subsequent employment of Court members and staff who are members of the bar of the Supreme Court of Pennsylvania shall be governed by Rule 1.12 of the Rules of Professional Conduct.

Rule 9. Amendments; Publication.

A. These rules may only be amended by the affirmative vote of a majority of the Court, after notice of the proposed amendment to the members of the Court.

B. Upon adoption, these rules and any amendments shall be available for public inspection and shall be forwarded to:

- (1) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and
- (2) West Publishing Company for publication in the *Pennsylvania Reporter*.

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