RULE 16-813. MARYLAND CODE OF JUDICIAL CONDUCT (2005).

CANON 1

INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2

AVOIDANCE OF IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY

A. A judge should behave with propriety and should avoid even the appearance of impropriety. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The personal behavior of a judge in both the performance of judicial duties, and in everyday life, should be beyond reproach.
B. A judge should not allow judicial conduct to be improperly influenced by family, social, or other relationships. A judge should not use the prestige of judicial office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence judicial conduct. A judge should not testify voluntarily as a character witness.
C. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

CANON 3

IMPARTIAL AND DILIGENT PERFORMANCE OF JUDICIAL DUTIES

In the performance of judicial duties, the following standards apply:

A. ADJUDICATIVE RESPONSIBILITIES.

(1) A judge should be faithful to the law and maintain professional competence in it.
(2) A judge should be unswayed by partisan interest, public clamor or fear of criticism.

(3) A judge should maintain order and decorum in proceedings before the judge.

(4) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

(5) A judge should accord to every person who is legally interested in proceedings, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. A judge, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the name of the person consulted and the substance of the advice, and affords the parties reasonable opportunities to respond.[1]

(6) A judge should dispose promptly of the business of the court.

(7) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This subsection does not prohibit a judge from making public statements in the course of official duties or from explaining for public information the procedures of the court.

(8) At the conclusion of a jury trial, the judge should neither praise nor criticize the verdict but may thank the jurors for their public service.

(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.[2]

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[1] COMMENT. The proscription against communications concerning a proceeding includes communications concerning a proceeding includes communications from lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted. It does not preclude a judge from consulting with other judges, or with court personnel whose function is to aid the judge in carrying out adjudicative responsibilities. An appropriate and often desirable procedure for a court to obtain the advice of a disinterested expert on legal issues is to invite the expert to file a brief amicus curiae.

[2] COMMENT. A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment and must require the same standard of conduct of others subject to the judge's direction and control. A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media

and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial.

CANON 4

EXTRA-JUDICIAL ACTIVITIES

Except as otherwise prohibited or limited by law or these canons, a judge may engage in the following activities, if doing so does not interfere with the proper performance of judicial duties, does not reflect adversely upon the judge's impartiality, and does not detract from the dignity of the office.

A. AVOCATIONAL ACTIVITIES. A judge may speak, write, lecture, and teach on both legal and non-legal subjects. A judge may participate in other activities concerning the law, the legal system and the administration of justice. A judge may engage in social and recreational activities.[3]

B. GOVERNMENT ACTIVITIES.

(1) A judge may appear before and confer with public bodies or official on matters concerning the judiciary or the administration of justice.

(2) A judge may serve on governmental advisory bodies devoted to the improvement of the law, the legal system or the administration of justice and may represent his or her country, state or locality on ceremonial occasions or in connection with historical, educational and cultural activities.

(3) As a private citizen, a judge may appear before or confer with public bodies or officials on matters that directly relate to a judge's person, immediate family or property so long as the judge does not use, and avoids the appearance of using, the prestige of the judge's office to influence decision-making.

C. CIVIC AND CHARITABLE ACTIVITIES. A judge may participate and serve as a member, officer, director, trustee, or non-legal advisor of an educational, religious, and charitable, fraternal, law-related or civic organization not conducted for the economic or political advantage of its members, subject to the following provisions:

(1) A judge should not participate and serve if it is likely that the organization: (a) will be engaged in proceedings that would ordinarily come before the judge; (b) will be regularly engaged in adversary proceedings in any court; or (c) deals with people who are referred to the organization by the court on which the judge serves or who otherwise may likely come before that court.

(2) A judge should not solicit funds for any such organization, or use or permit the use of the prestige of the judge's office for that purpose, but a judge may be listed as an officer, director, or trustee of the organization. A judge may make recommendations to public and private fund granting agencies on projects and programs of which the judge has personal knowledge and which concern the law, the legal system, or the administration of justice. A judge should not be

[3] COMMENT: Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the society in which he or she may live.

a speaker or the guest of honor at an organization's fund raising events, but may attend such events.

D. FINANCIAL ACTIVITIES.

(1) A judge should refrain from financial and business dealings that use the judge's position or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.

(2) A judge may hold and manage investments, including real estate, and engage in other remunerative activity except that a full-time judge shall not hold any office or directorship in any public utility, bank, savings and loan association, lending institution, insurance company, or any other business corporation or enterprise or venture which is affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which recusal would be required. As soon as practicable without serious financial detriment, the judges should dispose of investments and other financial interests that might require frequent recusal.

(4) Information acquired by a judge in his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to the judge's judicial duties.

E. COMPENSATION AND EXPENSE REIMBURSEMENT. A judge may receive compensation and reimbursement of expenses for activities permitted by this Code, subject to the following restrictions:

(1) Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

(2) Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by the judge, and where appropriate to the occasion, by the judge's spouse. Any payment in excess of such an amount is compensation.

F. [Omitted]

G. [Omitted]

H. ARBITRATION. A judge should not act as an arbitrator or mediator.

CANON 5

POLITICAL ACTIVITY

A. POLITICAL CONDUCT OF A JUDGE WHO IS NOT A CANDIDATE. A judge who is not a candidate for election, re-election, or retention to judicial office when becoming a candidate for a non-judicial office, except that the judge may continue to hold judicial office while a candidate for election to or serving as a delegate in a state constitutional convention.

B. POLITICAL CONDUCT OF A JUDGE WHO IS CANDIDATE. A judge who is a candidate for election, re-election, or retention to judicial office may engage in partisan political activity allowed by law with respect to such candidacy, except that the judge

1. should not act as a leader or hold any office in a political organization;
2. should not make speeches for a political organization or candidate or publicly endorse a candidate for non-judicial office;
3. should maintain the dignity appropriate to judicial office;
4. should not allow any other person to do for the judge what the judge is prohibited from doing;
5. should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office, announce the judge's views on disputed legal or political issues, or misrepresent the judge's identity, qualifications, or other fact.

C. STATUS OF A JUDGE AS A CANDIDATE. A newly appointed judge is a "candidate" for judicial office from the date of taking office until the general election pertaining to that judge's election or initial retention. Any other incumbent judge is a "candidate" for a period commencing two years prior to the general election pertaining to that judge's re-election or subsequent retention, or when a newly appointed judge to that court becomes a "candidate" in the same general election, whichever first occurs. A judge who is seeking election to another judicial office is a "candidate" for that office when the judge files a certificate of candidacy in accordance with the state election laws, but no earlier than two years prior to the general election for that office, or when a newly appointed judge to that court becomes a "candidate" in the same general election, whichever first occurs.

RULE 16-814. CODE OF CONDUCT FOR JUDICIAL APPOINTEES.

CANON 3

In the performance of official duties, the following standards apply:

A. [Omitted]
B. [Omitted]
C. RECUSAL.

1. A judicial appointee should not participate in a proceeding in which the judicial appointee's impartiality might reasonably be questioned, including but not limited to instances where:
    a. The judicial appointee has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
    b. The judicial appointee served as lawyer in the matter in controversy, or a lawyer with whom the judicial appointee previously practiced law served during such association as a lawyer concerning the matter, or the judicial appointee or lawyer has been a material witness concerning it;
    c. If a judicial appointee is part-time, the judicial appointee or any attorney with whom the judicial appointee is associated, represents a party or otherwise has an interest in the proceeding;
    d. The judicial appointee knows that he or she, individually or as a fiduciary, or the judicial appointee's spouse or minor child of the judicial appointee residing in the judicial appointee's household, has a significant financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;[4]
    e. The judicial appointee, the spouse of the judicial appointee, a person within the third degree of relationship to either of them, or the spouse of such a person:

[4] COMMENT: As a minimum standard for determining what constitutes a "significant financial interest," the judge should apply the definition of "financial interest" provided in the Maryland Public Ethics Law, Md. Code, State Government Article, § 15-102 (n) (1995 Replacement Volume and 1998 Supplement): "(1) Ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than $1,000 per year; or (2)(i) ownership of more than 3% of a business entity; or (ii) ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity." Moreover, there may be situations involving a lesser financial interest which also require recusal because of the judicial appointee's own sense of propriety. Conversely, there are situations where participation may be appropriate even though the "financial interest" threshold is present. In the latter case, the judicial appointee must first obtain an opinion from the Judicial Ethics Committee to obtain an exemption, except as provided in Canon 3 D (non-recusal by Agreement).

i. Is a party to the proceeding, or is known by the judicial appointee to be an officer, director, or trustee of a party;
ii. Is acting as lawyer in the proceeding;
iii. Is known by the judicial appointee to have an interest that could be substantially affected by the outcome of the proceeding;
iv. Is to the judicial appointee's knowledge likely to be a material witness in the proceeding.

2. A judicial appointee should keep informed about his or her personal and fiduciary financial interests, and make a reasonable effort to keep informed about the personal financial interests of the judicial appointee's spouse and minor children residing in the judicial appointee's household.
3. For the purposes of this section:
   a. The degree of relationship is calculated according to the civil law system;
   b. "fiduciary" includes such relationships as personal representative, executor, administrator, trustee, custodian, attorney in fact by power of attorney, and guardian;
   c. "financial interest" means ownership of a legal or equitable interest, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
      i. ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judicial appointee participates in the management of the fund;
      ii. an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization.
      iii. The proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the interest;
      iv. Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

D. NON-RECUSAL BY AGREEMENT. Where recusal would be required by Canon 3 C (1) (c) or Canon 3 C (1) (d), the judicial appointee may disclose on the record the basis of the recusal. If the lawyers, after consultation with their clients and independently of the judicial appointee's participation, all agree on the record that the judicial appointee ought to participate notwithstanding the basis for recusal, the judicial appointee may participate in the proceeding.