

# JUDGE OATH, JUDICIAL CONDUCT AND ETHICS, & DISQUALIFICATION

Overview



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# 2023 Federal Level Judges



Chief Justice,  
Supreme Court  
John G. Roberts, Jr.



Chief Judge,  
First Circuit  
David J. Barron



Chief Judge,  
Second Circuit  
Debra A. Livingston



Chief Judge,  
Third Circuit  
Michael A. Chagares



Chief Judge,  
Fourth Circuit  
Albert Díaz



Chief Judge,  
Fifth Circuit  
Priscilla Richman



Chief Judge,  
Six Circuit  
Jeffrey S. Sutton



Chief Judge,  
Seventh Circuit  
Diane S. Sykes



Conference Secretary,  
Admin Office  
of U.S. Courts  
Roslynn R. Mauskopf  
Director



Chief Judge,  
Eighth Circuit  
Lavenski R. Smith



Chief Judge,  
Nineth Circuit  
Mary H. Murguia



Chief Judge,  
Tenth Circuit  
Jerome A. Holmes



Chief Judge,  
Eleventh Circuit  
William H. Pryor, Jr.



Chief Judge,  
FED Circuit  
Kimberly A. Moore



Chief Judge,  
DC Circuit  
Padmanabhan  
Srikanth



Chief Judge,  
CIT Circuit  
Mark A. Barnett

See [jcuc\\_member\\_2023-sept.pdf \(uscourts.gov\)](https://www.uscourts.gov/sites/default/files/jcuc_member_2023-sept.pdf) > [https://www.uscourts.gov/sites/default/files/jcuc\\_member\\_2023-sept.pdf](https://www.uscourts.gov/sites/default/files/jcuc_member_2023-sept.pdf)

## 2023 Federal Level Judges



Chief Justice,  
Supreme Court  
John G. Roberts, Jr.



District of  
Rhode Island  
William E. Smith



Eastern District of  
New York  
Margo K. Brodie



Eastern District of  
Pennsylvania  
Juan R. Sánchez



Northern District of  
West Virginia  
John P. Bailey



Northern District of  
Mississippi  
Debra M. Brown



Western District of  
Tennessee  
Stanley T. Anderson



Conference Secretary,  
Admin Office  
of U.S. Courts  
Roslynn R. Mauskopf  
Director



Northern District  
of Indiana  
Jon DeGuilio



District of  
Minnesota  
John R. Tunheim



District of  
Hawaii  
Leslie E. Kobayashi



District of  
New Mexico  
Chief Judge  
William P. Johnson



Norther District  
Of Alabama  
Chief Judge  
Lawrence S. Coogler



District of  
Columbia  
Chief Judge  
James E. Boasberg

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# 28 U.S.C. §453 JUDGE OATH

Overview

See [USCODE-2021-title28-partI-chap21-sec453.pdf \(govinfo.gov\)](https://www.govinfo.gov/content/pkg/USCODE-2021-title28-partI-chap21-sec453/pdf/USCODE-2021-title28-partI-chap21-sec453.pdf)  
<https://www.govinfo.gov/content/pkg/USCODE-2021-title28/pdf/USCODE-2021-title28-partI-chap21-sec453.pdf>

11/19/2023

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## 28 U.S. Code § 453 – Oaths of Justices and Judges

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*“Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: “I, \_\_\_\_ \_\_\_\_, do solemnly swear (or affirm) that I will **administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me** as \_\_\_\_ under the Constitution and laws of the United States. So help me God.”*





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# U.S. JUDGES CODE OF CONDUCT

*EFFECTIVE MARCH 12, 2019*

## Summary

Source: Code of Conduct for United States Judges | United States Courts (uscourts.gov)  
<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

11/19/2023

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# What Ethics and Judicial Conduct applies to the Judges while upholding a position of power in the Judicial Branch?

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The *United State Courts* Judicial Council adopted the “*Code of Judicial Conduct for United States Judges*” on April 5<sup>th</sup>, 1973 which has been revised multiple times- last time being in 2019. This code applies to U.S. Circuit judges, bankruptcy judges, and magistrate judges. This document denotes that the judges must...

**Canon 1:** Uphold the Integrity and Independence of the Judiciary

**Canon 2:** Avoid Impropriety and the Appearance of Impropriety in All Activities.

**Canon 3:** Perform the Duties of the Office, Fairly, Impartially and Diligently.

**Canon 4:** Engage in Extrajudicial Activities That Are Consistent With the Obligations of the Judicial Office – except when they interfere with his official duties' performance.

**Canon 5:** Refrain from Political Activity.

See JCUS-APR 73, pp. 9-11 > <https://www.uscourts.gov/sites/default/files/1973-04.pdf>

See latest Code of Conduct > <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

# Compliance with CODE OF CONDUCT Applicability



## Part-Time Judge

A part-time judge, whether continuously or periodically serving, and who is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge and therefore ...

1. IS NOT REQUIRED to comply with Canons 4A(4), 4A(5), 4D(2), 4E, 4F, or 4H(3)
2. Except as provided in the Conflict-of-Interest Rule for Part-time Magistrate Judges, SHOULD NOT practice law in the court on which the judge serves or in any court subject to that court's appellate jurisdiction, or act as a lawyer in a proceeding in which the judge has served as a judge or in any related proceeding.



## Pro-Tempore Judge

A pro-tempore judge is an individual who is appointed to act temporarily as a judge or as a special master. For that reason, ...

1. While acting in this capacity, a judge pro tempore is not required to comply with Canons 4A(4), 4A(5), 4D(2), 4D(3), 4E, 4F, or 4H(3); further, one who acts solely as a special master is not required to comply with Canons 4A(3), 4B, 4C, 4D(4), or 5.
2. A person who has been a judge pro tempore should not act as a lawyer in a proceeding in which the judge has served as a judge or in any related proceeding.



## Retired Judge

A judge who is retired under 28 U.S.C. § 371(b) or § 372(a) (applicable to Article III judges), or who is subject to recall under § 178(d) (applicable to judges on the Court of Federal Claims), or who is recalled to judicial service, should comply with all the provisions of this Code except Canon 4F, but the judge should refrain from judicial service during the period of extrajudicial appointment not sanctioned by Canon 4F. All other retired judges who are eligible for recall to judicial service (except those in U.S. territories and possessions) should comply with the provisions of this Code governing part-time judges. However, bankruptcy judges and magistrate judges who are eligible for recall but who have notified the Administrative Office of the United States Courts that they will not consent to recall are not obligated to comply with the provisions of this Code governing part-time judges. Such notification may be made at any time after retirement and is irrevocable. A senior judge in the territories and possessions must comply with this Code as prescribed by 28 U.S.C. § 373(c)(5) and (d).



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# CANON 1

**OBSERVATION ON CURRENT PROCESSES:** The current HOLD imposed by the Executive Branch on the JUDICIAL BRANCH has tarnished its independence and led to a monopolized system that is plagued with corruption for decades.

Therefore, this canon has been tampered by the applicability of U.S. Constitution ARTICLE II processes which have given the Executive Branch power it should have never held.

# CANON 1: UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

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*An Independent and Honorable Judiciary is indispensable to justice in our society.*

*A judge should maintain and enforce high standards of conduct and should personally observe those standards, 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.*






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# CANON 2

## CANON 2: AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

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- A  *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.*
- B 
  - 1) *A Judge SHOULD NOT allow family, social, political, financial, or other relationships influence judicial conduct or judgement.*
  - 2) *A Judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge.*
  - 3) *A judge SHOULD NOT testify voluntarily as a character witness.*
- C  *A Judge SHOULD NOT hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.*

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## CANON 3

*The duties of judicial office take precedence over all other activities. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. The judge **SHOULD** [always] adhere to the standards noted within this canon*



# CANON 3 [A]: Adjudicative Responsibilities

---

1



A judge **SHOULD** be faithful to and maintain professional competence in the law and **SHOULD NOT** be swayed by partisan interest, public clamor, or fear of criticism.

**faithful, adj.** 1. Trustworthy in honoring vows, promises, or allegiances; loyal. 2. (Of a person in a committed relationship) abstaining from sexual relations other than with one's partner. 3. True in detail; accurate. 4. Truthful; worthy of belief or confidence. Cf. **UNFAITHFUL**.

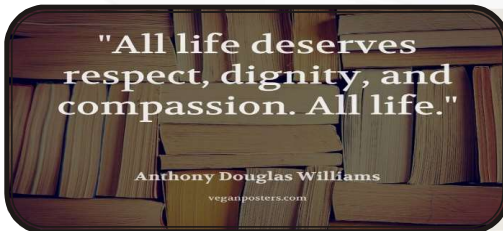
Black's Law Dictionary, 10<sup>th</sup> Edition

2



A judge **SHOULD** hear and decide matters assigned, unless disqualified, and should maintain order and decorum in **ALL** judicial proceedings.

3

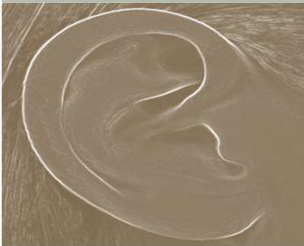


A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct by those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process.

## CANON 3 [A]: Adjudicative Responsibilities [Cont.]

4

RIGHT  
TO BE



HEARD

A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. Except as set out below, a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers.

If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested. A judge may:

*hearing.* (13c) 1. A judicial session, usu. open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying <the court held a hearing on the admissibility of DNA evidence in the murder case>. — Also termed *judicial hearing*. 2. *Administrative law.* Any setting in which an affected person presents arguments to a decision-maker <a hearing on zoning variations>. 3. In legislative practice, any proceeding in which legislators or their designees receive testimony about legislation that might be enacted <the shooting victim spoke at the Senate's hearing on gun control>. See *PRELIMINARY HEARING*. 4. *Equity practice.* A trial. 5. *English law.* ORAL ARGUMENT.

Black's Law Dictionary, 10<sup>th</sup>  
Edition

- a) initiate, permit, or consider ex parte communications as authorized by law;
- b) when circumstances require it, permit ex parte communication for scheduling, administrative, or emergency purposes, but only if the ex parte communication does not address substantive matters and the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication;
- c) obtain the written advice of a disinterested expert on the law, but only after giving advance notice to the parties of the person to be consulted and the subject matter of the advice and affording the parties reasonable opportunity to object and respond to the notice and to the advice received; or
- d) with the consent of the parties, confer separately with the parties and their counsel in an effort to mediate or settle pending matters.

## CANON 3 [A]: Adjudicative Responsibilities [Cont.]

---

5



*A judge **SHOULD** dispose promptly of the business of the court.*

6



*A judge **SHOULD NOT** make public comment on the merits of a matter pending or impending in any court. A judge **SHOULD** require similar restraint by court personnel subject to the judge's direction and control.*

*The prohibition on public comment on the merits does not extend to public statements made in the course of the judge's official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education.*

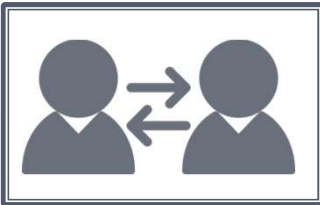
## CANON 3 [B]: Administrative Responsibilities

1



*A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court personnel.*

2



*A judge should not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when that conduct would contravene the Code if undertaken by the judge.*

3



*A judge should exercise the power of appointment fairly and only on the basis of merit, avoiding unnecessary appointments, nepotism, and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered..*

## CANON 3 [B]: Administrative Responsibilities [Cont.]

4



*A judge should practice civility, by being patient, dignified, respectful, and courteous, in dealings with court personnel, including chambers staff. A judge should not engage in any form of harassment of court personnel. A judge should not retaliate against those who report misconduct. A judge should hold court personnel under the judge's direction to similar standards.*

5



*A judge with supervisory authority over other judges should take reasonable measures to ensure that they perform their duties timely and effectively.*

6

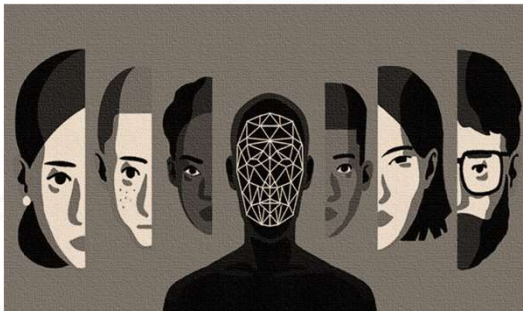


*A judge should take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, that a judicial employee's conduct contravened the Code of Conduct for Judicial Employees, or that a lawyer violated applicable rules of professional conduct.*



# CANON 3 [C]: Disqualification

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## **bias**

n. the predisposition of a judge, arbitrator, prospective juror, or anyone making a judicial decision, against or in favor of one of the parties or a class of persons. This can be shown by remarks, decisions contrary to fact, reason or law, or other unfair conduct. Bias can be toward an ethnic group, homosexuals, women or men, defendants or plaintiffs, large corporations, or local parties. Getting a "hometown" decision is a form of bias which is the bane of the out-of-town lawyer. There is also the subtle bias of some male judges in favor of pretty women. Obvious bias is a ground for reversal on appeal, but it is hard to prove, since judges are usually careful to display apparent fairness in their comments. The possibility of juror bias is explored in questioning at the beginning of trial in a questioning process called *voir dire*.

See also: *hometowned voir dire*

- 1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:
  - a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or lawyer has been a material witness;
  - c) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;
  - d) the judge or the judge's spouse, or a person related to either within the third degree of relationship, or the spouse of such a person is:
    - i. a party to the proceeding, or an officer, director, or trustee of a party;
    - ii. (ii) acting as a lawyer in the proceeding;
    - iii. known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or (
    - iv. to the judge's knowledge likely to be a material witness in the proceeding;
  - e) the judge has served in governmental employment and in that capacity participated as a judge (in a previous judicial position), counsel, advisor, or material witness concerning the proceeding or has expressed an opinion concerning the merits of the particular case in controversy.

## CANON 3 [C]: Disqualification [Cont.]

- 2) A judge should keep informed about the judge's personal and fiduciary financial interests and make a reasonable effort to keep informed about the personal financial interests of the judge's spouse and minor children residing in the judge's household.

- 3) For the purpose of this section ...

- a) the degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship:

|             |               |                     |                      |
|-------------|---------------|---------------------|----------------------|
| ▪ Parent    | ▪ Brother(s)  | ▪ Great-Grandparent | ▪ Aunts and Uncles   |
| ▪ Child     | ▪ Grandparent | ▪ Great-Grandchild  | ▪ Nieces and Nephews |
| ▪ Sister(s) | ▪ Grandchild  |                     |                      |

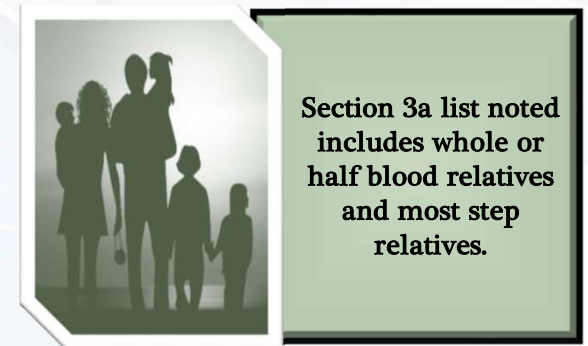
- b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

- c) "financial interest" means ownership of a legal or equitable interest, however small, 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 judge participates in the management of the fund;
- ii. (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 policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization 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) "proceeding" includes pre-trial, trial, appellate review, or other stages of litigation.



## CANON 3 [D]: Remittal of Disqualification

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- Instead of withdrawing from the proceeding, a judge disqualified by Canon 3C(1) may, except in the circumstances specifically set out in subsection (a) through (e), **disclose on the record the basis of disqualification.**
- The judge *may participate in the proceeding IF*, after that disclosure, the parties and their lawyers have an opportunity to confer outside the presence of the judge, all agree in writing or on the record that the judge **SHOULD NOT** be disqualified, and the judge is then willing to participate.
- The agreement should be incorporated in the record of the proceeding.



**A WRITTEN Agreement MUST BE agreed upon by all parties for a judge not to be disqualified and added to the proceedings docket.**

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## CANON 4

*A judge MAY engage in extra-judicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and governmental activities, and may speak, write, lecture, and teach on both law-related and non-legal subjects.*

*However, a judge SHOULD NOT participate in extrajudicial activities that detract from the dignity of the judge's office, interfere with the performance of the judge's official duties, reflect adversely on the judge's impartiality, lead to frequent disqualification, or violate the limitations set forth in this section ...*



# CANON 4 [A]: LAW RELATED EXTRADUCIAL ACTIVITIES

## 1. SPEAKING, WRITING, AND TEACHING

*A judge MAY speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.*

## 2. CONSULTATION

*A judge MAY consult with or appear at a public hearing before an executive or legislative body or official ...*

- a) On matters concerning the law, the legal system, or the administration of justice;*
- b) To the extent that it would generally be perceived that a judge's judicial experience provides special expertise in the area; or*
- c) When the judge is acting pro se in a matter involving the judge or the judge's interest.*

## 3. ORGANIZATIONS

*A judge MAY participate in and serve as a member, officer, director, trustee, or non-legal advisor of a non-profit organization devoted to the law, the legal system, or the administration of justice and may assist such an organization in the management and investment of funds. A judge MAY make recommendations to public and private fund-granting agencies about projects and programs concerning the law, the legal system, and the administration of justice.*

## 4. ARBITRATION AND MEDIATION

*A judge SHOULD NOT act as an arbitrator or mediator or otherwise perform judicial functions apart from the judge's official duties unless expressly authorized by law.*

## 5. PRACTICE OF LAW

*A judge SHOULD NOT practice law and SHOULD NOT serve as a family member's lawyer in any forum. A judge may, however, act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.*



# CANON 4 [B]: CIVIC & CHARITABLE EXTRADUCIAL ACTIVITIES

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- 1) *A judge MAY participate in and serve as an officer, director, trustee, or non-legal advisor of a non-profit civic, charitable, educational, religious, or social organization, subject to the following limitations:*
- 2) *A judge SHOULD NOT serve if it is likely that the organization will either be engaged in proceedings that would ordinarily come before the judge or be regularly engaged in adversary proceedings in any court.*
- 3) *A judge SHOULD NOT give investment advice to such an organization but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.*



## CANON 4 [C]: FUND RAISING EXTRADUCIAL ACTIVITIES

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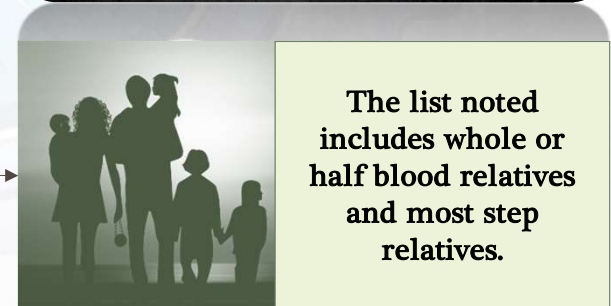
- 1) A judge may assist non-profit law-related, civic, charitable, educational, religious, or social organizations in planning fund-raising activities and may be listed as an officer, director, or trustee.
- 2) A judge may solicit funds for such an organization from judges over whom the judge DOES NOT exercise supervisory or appellate authority and from members of the judge's family. Otherwise, a judge SHOULD NOT personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose.
- 3) A judge SHOULD NOT personally participate in membership solicitation IF the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.

## CANON 4 [D]: FINANCIAL INVESTMENTS

- 1) A judge MAY hold and manage investments, including real estate, and engage in other remunerative activity, but should refrain from financial and business dealings that exploit the judicial position or involve the judge in frequent transactions or continuing business relationships with lawyers or other person likely to come before the court on which the judge serves.
- 2) A judge may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the judge's family. For this purpose, "members of the judge's family" means persons related to the judge or the judge's spouse within the third degree of relationship as defined in **Canon 3C(3)(a)**, any other relative with whom the judge or the judge's spouse maintains a close familiar relationship, and the spouse of any of the foregoing.

- |              |               |                     |                      |
|--------------|---------------|---------------------|----------------------|
| ▪ Parent     | ▪ Brother(s)  | ▪ Great-Grandparent | ▪ Aunts and Uncles   |
| ▪ Child      | ▪ Grandparent | ▪ Great-Grandchild  | ▪ Nieces and Nephews |
| ▪ Sister (s) | ▪ Grandchild  |                     |                      |

- 3) As soon as the judge can do so without serious financial detriment, the judge SHOULD divest investments and other financial interests that might require frequent disqualification.





# CANON 4 [D]: GIFT acceptance, solicitation, and giving Regulation



- 4) A judge should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Gift Regulations.

A judge should endeavor to prevent any member of the judge's family residing in the household from soliciting or accepting a gift except to the extent that a judge would be permitted to do so by the Judicial Conference Gift Regulations.

A "member of the judge's family" means any relative of a judge by blood, adoption, or marriage, or any person treated by a judge as a member of the judge's family.

- 5) A judge should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the judge's official duties.

## § 620.25 Definition of GIFT

**"GIFT" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other similar item having monetary value but does not include:**

- a) Social hospitality based on personal relationships.
- b) Modest items, such as food and refreshments, offered as a matter of social hospitality.
- c) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation.
- d) Loans from banks and other financial institutions on terms that are available based on factors other than judicial status.
- e) Opportunities and benefits, including favorable rates and commercial discounts, that are available to the public, a class consisting of all federal employees, or are available based on factors other than judicial status.
- f) Rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public and that are available based on factors other than judicial status.
- g) scholarships or fellowships awarded on the same terms and based on the same criteria applied to other applicants and that are based on factors other than judicial status;
- h) anything for which market value is paid by the judicial officer or employee;
- i) any payment, compensation, or reimbursement the acceptance of which is permitted by the Regulations of the Judicial Conference Concerning Outside Earned Income, Honoraria, and Outside Employment; and
- j) anything that is paid for by the judiciary or secured by the judiciary under contract.


See <https://www.uscourts.gov/rules-policies/judiciary-policies/code-conduct/judicial-conference-regulations-gifts>

# CANON 4 [E]: Fiduciary Activities

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A judge may serve as the executor, administrator, trustee, guardian, or other fiduciary only for the estate, trust, or person of a member of the judge's family as defined in Canon 4D(4). As a family fiduciary a judge is subject to the following restrictions:

- 1) The judge should not serve if it is likely that as a fiduciary the judge would be engaged in proceedings that would ordinarily come before the judge or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.
- 2) While acting as a fiduciary, a judge is subject to the same restrictions on financial activities that apply to the judge in a personal capacity



**Fiduciary**  
[fə-ˈdū-shē-,er-ē]

A person or organization that makes financial decisions on behalf of another party who is legally obligated to act in their best interests.

Investopedia



# CANON 4 [F]: Governmental Appointments [G] Chambers, Resources, and Staff

F



A judge may accept appointment to a governmental committee, commission, or other position only if it is one that concerns the law, the legal system, or the administration of justice, or if appointment of a judge is required by federal statute.

A judge should not, in any event, accept such an appointment if the judge's governmental duties would tend to undermine the public confidence in the integrity, impartiality, or independence of the judiciary.

A judge may represent the judge's country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

G



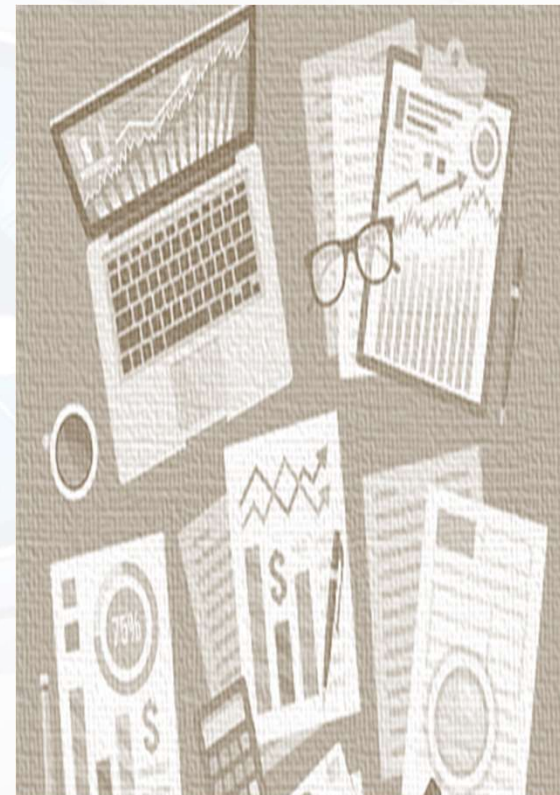
A judge should not to any substantial degree use judicial chambers, resources, or staff to engage in extrajudicial activities permitted by this Canon.

# CANON 4 [H]: Compensation, Reimbursement, and Financial Reporting

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A judge may accept compensation and reimbursement of expenses for the law-related and extrajudicial activities permitted by this Code if the source of the payments does not give the appearance of influencing the judge in the judge's judicial duties or otherwise give the appearance of impropriety, 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 costs of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse or relative. Any additional payment is compensation.
- 3) A judge should make required financial disclosures, including disclosures of gifts and other things of value, in compliance with applicable statutes and Judicial Conference regulations and directives.



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# CANON 5

## CANON 5: REFRAIN FROM POLITICAL ACTIVITY

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A



A judge should not:

- 1) act as a leader or hold any office in a political organization;
- 2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office; or
- 3) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or attend or purchase a ticket for a dinner or other event sponsored by a political organization or candidate.

B




A judge should resign the judicial office if the judge becomes a candidate in a primary or general election for any office.

C



A judge should not engage in any other political activity. This provision does not prevent a judge from engaging in activities described in Canon 4.



# 28 U.S.C. §455 DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE

Overview

See [USCODE-2021-title28-partI-chap21-sec453.pdf \(govinfo.gov\)](https://www.govinfo.gov/content/pkg/USCODE-2021-title28/pdf/USCODE-2021-title28-partI-chap21-sec453.pdf) <https://www.govinfo.gov/content/pkg/USCODE-2021-title28/pdf/USCODE-2021-title28-partI-chap21-sec453.pdf>  
See [28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)



## §455. Disqualification of justice, judge, or magistrate judge

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A

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

B

He shall also disqualify himself in the following circumstances:

- 1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- 2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
- 3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
- 4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a 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;
- 5) He or his 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 officer, director, or trustee of a party;
  - (ii) Is acting as a lawyer in the proceeding;
  - (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
  - (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

## §455. Disqualification of justice, judge, or magistrate judge [Cont.]

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C

A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household

D

For the purposes of this section the following words or phrases shall have the meaning indicated:

- (1) “proceeding” includes pretrial, trial, appellate review, or other stages of litigation;
- (2) the degree of relationship is calculated according to the civil law system;
- (3) “fiduciary” includes such relationships as executor, administrator, trustee, and guardian;
- (4) “financial interest” means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, 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 judge 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 policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization 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.

## §455. Disqualification of justice, judge, or magistrate judge [Cont.]

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E

No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

F

Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

# References

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- United States Constitution Annotated > <https://constitution.congress.gov/>
- Federal Judicial Center > Debates on the Federal Judiciary: A Documentary History > <https://www.fjc.gov/history/debates-federal-judiciary-documentary-history>
- U.S. Courts Code of Conduct for United States Judges | United States Courts > <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>