

About the 2008 Judicial Accountability Report Card

HALT's 2008 Judicial Accountability Report Card is the nation's first comprehensive evaluation of the systems that discipline and remove incompetent and abusive members of the state and federal judiciaries. HALT interviewed judicial conduct administrators, analyzed statistics from the American Judicature Society and the Center for Public Integrity, evaluated judicial conduct Web sites and rules of disciplinary procedure, studied state and federal statutes that govern judicial financial disclosure and gift receipt, and reviewed the United States Judicial Conference's new 2008 rules on judicial conduct and disability. In determining grades, HALT considered the following factors:

Transparency—In an era that embraces principles of sunshine, the nation's system of judicial accountability maintains a closed-door structure that evades oversight. A transparent system would release information about an ethics complaint to the public at the conclusion of a preliminary investigation.

Availability of Meaningful Sanctions—To successfully deter judges from abusing their positions of power and to provide citizens with access to a judge's complete disciplinary history, all sanctions must be formal and public. A judicial conduct commission should have the authority to publicly censure, reprimand, fine, suspend and remove disreputable judges.

Consumer Friendliness—Litigants are often reluctant to bring a judge's misconduct to the attention of a local judicial discipline body because the rules of many jurisdictions "gag" individuals from disclosing information about an ethics complaint they have filed against a judge. To respect the rights of ordinary citizens, conduct commissions should allow complainants to speak freely.

Online Outreach—In today's Internet-driven culture, most individuals look for information online. Every judicial conduct body should host a Web site that includes a clear explanation of the disciplinary process, a downloadable complaint form, past commission rulings, links to ethics standards and other critical resources.

Public Participation—One way to ensure impartiality and to increase public confidence in the judicial oversight system is to include meaningful participation by ordinary citizens, yet judges and lawyers typically dominate judicial conduct commissions. The most successful forums give laypersons at least an equal voice in the decision-making process.

Financial Disclosure—To determine whether a judge possesses an economic conflict of interest in a case, citizens should have the right to review annual financial disclosure reports. Filings should be comprehensive and public access to them must be convenient and affordable.

Gift Restrictions—Corporations and special interests often use expense-paid trips to lavish settings in a thinly-veiled attempt to lobby judges. Rigorous ethics rules would place monetary caps on the reimbursements and compensation that judges may accept from private groups, but unfortunately most state and federal rules continue to permit members of the judiciary to accept these gifts with few limitations.

After assessing these categories, HALT assigned an overall grade to each state and the federal circuits.

About HALT

HALT, Inc. pursues an aggressive education and advocacy program that challenges the legal establishment to expand access and increase accountability in the civil justice system. For more information, go to www.halt.org.

HALT

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GRADING SCALE

The following are the grading criteria for each category. Each category was weighed equally to determine an overall grade for each jurisdiction.

Transparency*

At what point does the judicial conduct commission release information about a complaint against a judge?

A = At complaint filing

B = Upon either dismissal or formal charges

C = Upon formal charges only

D = At the hearing

F = When commission files discipline recommendation or highest court orders discipline

Availability of Meaningful Sanctions*

Does the judicial conduct commission/state high court impose only public discipline?

A = Yes F = No

Can a judge in the state be publicly

censured/reprimanded, fined, suspended and removed?

A = 4 of the above

B = 3 of the above

C = 2 of the above

D = 1 of the above

F = none of the above

Consumer Friendliness

Does the judicial conduct commission impose a gag rule on complainants?

A = No

C = Modified gag rule

F = Yes

Online Outreach

How many of the following resources does the judicial conduct commission's Web site provide?

(1) easy online navigation; (2) a clear, detailed

explanation of the disciplinary process;

(3) a downloadable complaint form; (4) a section

addressing consumers' frequently asked questions;

(5) a list of upcoming hearings; (6) past disciplinary

rulings; (7) rules of disciplinary procedure; and

(8) rules of judicial conduct?

A = All 8 resources

B = 6-7 resources

C = 4-5 resources

D = 2-3 resources

F = 1 or no resources

Public Participation*

What percentage of the judicial conduct commission is composed of laypersons (non-judges/non-lawyers)?

A = More than 50% laypersons

B = 50% laypersons

C = 33-49% laypersons

D = 20-32% laypersons

F = Less than 20% laypersons

Financial Disclosure**

Does the jurisdiction: (1) require judges to file annual financial disclosure reports (2) that are open to the public; and (3) include information about their board

affiliations, (4) investments, (5) spouse's financial

interests and (6) dependent's financial interests? (7) Is the name of the reviewer forwarded to the judge? (8) Can a

reviewer be sent the information? (9) Are copy fees less

than 50 cents a page? (10) Are filings available online?

A = Yes, all 10 of the above criteria

B = Yes, 8-10 of the above criteria

C = Yes, 6-7 of the above criteria

D = Yes, 4-5 of the above criteria

F = Yes, 3 or fewer of the above criteria

Gift Restrictions

Can a judge receive reimbursements, compensation and honoraria in connection with privately sponsored trips?

A = Under no circumstances

B = Monetary restrictions are placed on 3 of the above

C = Monetary restrictions are placed on 2 of the above

D = Monetary restrictions are placed on 1 of the above

F = A judge may receive all of the above with

no monetary restrictions

* Data based on American Judicature Society 2008 statistics.

** Data based on Center for Public Integrity 2008 statistics.