

HALT Staffer Serves as Featured Expert on Privately Funded Trips for Judges At the American Bar Association's 2006 Annual Convention

The American Bar Association invited HALT Associate Counsel Suzanne Blonder to serve as a featured speaker on its Judicial Ethics panel at the ABA's annual convention held from June 1-3, 2006 in Vancouver, British Columbia. Addressing issues related to judicial disqualification, Ms. Blonder served as the panel's expert on junkets for judges. Speaking to an audience of judges, lawyers and ethics scholars, she urged the ABA to strengthen limitations placed on judicial attendance at lavish trips sponsored by special interest groups and corporations.

"Recent studies show that judges are failing to recuse themselves in cases that directly involve litigants who have previously treated them to thousands of dollars in the form of lavish resorts, expensive dinners, first-class air travel and extravagant goodie bags," stated Ms. Blonder. "It's long overdue that the ABA put the brakes on something that has become routine practice for far too many members of the judiciary."

After Ms. Blonder testified to a blue-ribbon commission reviewing the Model Code of Judicial Conduct last year, the ABA changed its rules to restrict that judicial compensation to only "necessary food, travel, and lodging expenses." On the Judicial Ethics panel, Ms. Blonder called on the ABA to go a step further and place a cap of \$500 on the amount that judges may be reimbursed when they attend privately funded multi-day seminars. "The term 'necessary' leaves members of the judiciary with far too much discretion," noted Blonder. "A specific monetary cap helps ensure that judges do not feel beholden to prospective litigants."

Earlier this year, the United States Judicial Conference revised its Advisory Rule 67 to include criteria that a judge should consider when determining whether to attend a seminar funded by corporate litigants who could later appear before him in court. Factors include the identity of the seminar sponsor (a bar association versus a corporation), the nature and source of seminar funding (whether there are numerous contributors to seminar funding), the subject matter of the seminar (whether the topics covered are likely to be in some manner related to litigation before the judge in which the sponsor is involved as a party or attorney), and the nature of expenses paid or reimbursed.

The ABA incorporated most of the Judicial Conference's factors into its new Model Code, but failed to provide specific guidance on how to weigh each of the factors. "Without clear instructions, the ABA's revised code unfortunately provides unprincipled judges with gaping loopholes through which they can excuse attendance at even the most inappropriate functions," stated Blonder. "The ABA should imbue its model code with more formal limitations that clearly define when a judge should or need not recuse herself."