

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and in consultation with the Administrative Board of the Courts, I hereby amend, effective immediately, Part 150 of the Rules of the Chief Administrator of the Courts, relating to the Independent Judicial Election Qualification Commissions, to read as follows:

PART 150: INDEPENDENT JUDICIAL ELECTION QUALIFYING COMMISSIONS

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Section 150.9. Conflicts of Interest

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(b) A member shall recuse himself or herself from participating in a commission proceeding where the member has a relationship with the candidate, or with another candidate competing for the same judicial office, which could reasonably render the member's participation unfair to the public or any candidate, or which might cause others to perceive that such participation is inappropriate or unfair. *In the event that it cannot obtain a quorum due to the recusal of members under this section, a commission may, as it deems appropriate: (1) transfer the application(s) of the candidate(s) affected to another commission within the same Judicial Department for evaluation; or (2) permit temporary service on the commission by a member or members of another commission within the same Judicial Department for the consideration of such application(s).*

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AMENDMENT OF RULE

Rules of the Chief Administrator of the Courts

Pursuant to the powers vested in me, and with the approval of the Administrative Board of the Courts, I hereby add, effective July 15, 2011, Part 151 of the Rules of the Chief Administrator, addressing the assignment of cases involving contributors to judicial campaigns, to read as follows:

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PART 151. RULES GOVERNING THE ASSIGNMENT OF CASES INVOLVING CONTRIBUTORS TO JUDICIAL CAMPAIGNS

151.1 Assignments in Cases Involving Contributors to Judicial Campaigns

(A)(1) No matter shall be assigned to a judge, other than in an emergency, or as dictated by the rule of necessity, or when the interests of justice otherwise require, if such assignment would give rise to a campaign contribution conflict as defined in section (B) of this Part.

(2) An assignment in derogation of this Part, due to administrative error or oversight, shall not (a) diminish the authority of the assigned judge; (b) give rise to any right, claim or cause of action; (c) impose any additional ethical obligation upon the assigned judge; or (d) diminish the assigned judge's obligation to consider recusal in light of campaign contributions.

(3) Nothing in this Part shall abridge the right of a party to move for recusal of an assigned judge at any time, or limit the arguments or evidence that may be marshaled for or against such recusal motion (see, e.g., §§ C[1] and D of this Part).

(B)(1) Individual Contributions: For purposes of this Part, a campaign contribution conflict shall exist when –

(a) an attorney appearing as counsel of record in a matter before a judge, or appearing in the matter as co-counsel or special counsel to such counsel of record, or

(b) such attorneys' law firm or firms, or

(c) a party in the matter –

individually has contributed \$2,500 or more to such judge's campaign for elective office during the window period defined in Part 100.0(Q) of these Rules.

(2) Collective Contributions: For purposes of this Part, a campaign contribution conflict shall exist when the sum of all contributions to a judge's campaign for elective office made during the window period defined in Part 100.0(Q) of these Rules by –

(a) an attorney appearing as counsel of record in a matter before such judge, and attorneys appearing in the matter as co-counsel or special counsel to such counsel of record, and

(b) each such attorneys' law firm or firms, and

(c) each client of each such attorney in the matter – totals \$3,500 or more.

(3) Term of Conflict (Conflict Period):

(a) A contribution shall be considered for conflicts purposes under this Part for a period of two years commencing on the day that the State Board of Elections first publishes the report of such contribution; provided, that if the candidate receiving such contribution is not a judge at the time of such report, then such two-year period shall commence on the day that he or she first assumes judicial office.

(b) If a person or entity makes more than one contribution to a candidate during such candidate's window period, as defined in Part 100.0(Q) of these Rules, then for conflicts purposes hereunder such contributions shall be totaled and treated as if made as a single contribution. In such cases, the conflict period for such contributions shall be extended to two years following the day on which the State Board of Elections publishes the report of the last of such contributions (unless paragraph (a) of this subsection requires a later date, in which case such later date shall govern).

(C) The Chief Administrator of the Courts shall:

(1) publish periodically a listing or database of contributions and contributors to judicial candidates, as disclosed by public filings, in a manner designed to assist the identification of campaign contribution conflicts under this Part, as well as contributions which, while not causing a campaign contribution conflict under this Part, may be pertinent to a motion to recuse;

(2) establish a procedure whereby parties may waive application of this Rule and permit assignment of a judge affected by a campaign contribution conflict;

(3) provide for local administrative resolution of issues arising under this Part by local court clerks and administrative judges, with minimal involvement by assigned judges; and

(4) with advice and consent of the Administrative Board of the Courts, take such further steps as may be necessary to give effect to this Part.

(D) Notwithstanding any provision of this Part, a judge shall be mindful of the ethical responsibility to consider the propriety of recusal in any proceeding in which the judge's impartiality reasonably might be questioned in consequence of campaign contributions.

(E) This Part shall take effect on July 15, 2011, and shall apply to all campaign contributions first reported as received on or after such date.

