

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-fourth day of January, in the year two thousand and eighteen:

present,

<u>HON. RALPH D. GANTS</u>)	Chief Justice
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<u>HON. BARBARA A. LENK</u>)	
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<u>HON. FRANK M. GAZIANO</u>)	Justices
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<u>HON. DAVID A. LOWY</u>)	
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<u>HON. KIMBERLY S. BUDD</u>)	
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<u>HON. ELSPETH B. CYPHER</u>)	
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)	
<u>HON. SCOTT L. KAFKER</u>)	

ORDERED: That Chapter Three of the Rules of the Supreme Judicial Court is hereby amended as follows:

Rule 3:12 By deleting the last sentence of the first paragraph of Canon 3 and inserting in lieu thereof the following two sentences: A Clerk Magistrate shall not engage in the practice of law, except that a Clerk Magistrate may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the Clerk Magistrate's family, but may not serve

as the family member's lawyer in any forum. Also, a Clerk Magistrate may serve as a judge advocate general in the context of service in the United States Armed Forces, the reserve components of the United States Armed Forces, or the National Guard.

Rule 3:12 By inserting the following sentence at the end of Canon 3(A)(4): A Clerk Magistrate may make reasonable efforts to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

Rule 3:12 By deleting the third sentence of Canon 5(B)(2) and inserting in lieu thereof the following sentence: Except as provided in paragraph (3), a Clerk Magistrate may attend but, except for an elected Clerk Magistrate, shall not be a speaker or the guest of honor at an organization's fund raising event.

Rule 3:12 By inserting the new Canon 5(B)(3), as attached hereto.

Rule 3:12 By inserting the new Canon 5(F), as attached hereto.

Rule 3:12 By deleting the current Canon 8 and inserting in lieu thereof the new Canon 8, as attached hereto.

The amendments accomplished by this order shall take effect on March 1, 2018.

ORDERED:

<u>RALPH D. GANTS</u>)	Chief Justice
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<u>BARBARA A. LENK</u>)	
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<u>FRANK M. GAZIANO</u>)	Justices
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<u>ELSPETH B. CYPHER</u>)	
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<u>SCOTT L. KAFKER</u>)	

ATTACHMENTS

Canon 5(B)(3).

A Clerk Magistrate may serve as a keynote or featured speaker at, receive an award or other comparable recognition at, be featured on the program of, and permit the Clerk Magistrate's title to be used in connection with the promotion of a fundraising event only if the event is sponsored by an organization concerned with the law, the legal system, or the administration of justice, and that organization promotes the general interests of the judicial branch of government or the legal profession, including enhancing the diversity and professionalism of the bar.

Canon 5(F).

Free or Discounted Legal Services. A Clerk Magistrate may accept free or discounted legal services: 1) from a relative or close personal friend whose appearance in a matter would require the Clerk Magistrate's disqualification if the lawyer is a sole practitioner or at a firm where all the lawyers are relatives or close personal friends of the Clerk Magistrate; 2) when a lawyer or law firm has offered special pricing or a discount as part of a commercial opportunity or marketing strategy to a group of similarly situated persons who are not Clerk Magistrates; and 3) when the same discount is extended to non-Clerk Magistrates in comparable circumstances, and the lawyer, the law firm and their interests are not likely to come before the Clerk Magistrate in the reasonably near future.

Canon 8.

Non-Discrimination. A Clerk Magistrate shall not discriminate based on sex, race, color, gender identity or expression, religion, nationality, national origin, ethnicity, citizenship or immigration status, ancestry, disease or disability, political affiliation, sexual orientation, age, marital status or socioeconomic status.