

**COMPARISON OF CODE OF JUDICIAL CONDUCT (effective 10/1/03)
AND PRIOR CODE**

June 6, 2003

<p>CANONS (without Preamble or Commentary) from CODE OF JUDICIAL CONDUCT (Effective 10/1/03)</p>	<p>S.J.C. RULE 3:09</p>
<p>TERMINOLOGY</p> <p><i>Terms explained below are noted with an asterisk (*) in the Sections where they appear. In addition, the Sections where the terms appear are referred to after the explanation of each term below. Terms are not asterisked in Commentary or in this Terminology Section.</i></p> <p>“Court personnel” does not include the lawyers in a proceeding before a judge. See Sections 3B(4), 3B(5), 3B(7)(c), 3B(7)(c)(i), 3B(9), 3C(1), and 3C(2).</p> <p>“De minimis” denotes an insignificant interest and therefore one that does not raise a reasonable question as to a judge’s impartiality. See Sections 3E(1)(f), (g) and (h).</p>	
<p>“Economic interest” denotes ownership of a more than de minimis legal or equitable interest, except that:</p>	<p>CANON 3C(3)(c)</p> <p>(c) "financial interest" means ownership of a substantial legal or equitable interest, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:</p>

<p>(i) ownership in a mutual or common investment fund that holds securities is not an “economic interest” in such securities unless the judge participates in the management of the fund; a judge is not required to inquire as to the identity of the securities held by the fund.</p>	<p>(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;</p>
<p>(ii) service by a judge as an officer, director, advisor or other active participant in an educational, religious, charitable, fraternal or civic organization, or service by a judge’s spouse or child wherever residing, or by any other member of the judge’s family residing in the judge’s household, as an officer, director, advisor or other active participant in any organization does not create an “economic interest” in securities held by that organization;</p>	<p>(ii) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;</p>
<p>(iii) a deposit in a financial institution, the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or of a member of a credit union, or a similar proprietary interest, is not an “economic interest” in the organization unless a proceeding pending or impending before the judge could substantially affect the value of the interest;</p>	<p>(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;</p>

<p>(iv) ownership of government securities is not an “economic interest” in the issuer unless a proceeding pending or impending before the judge could substantially affect the value of the securities. See Sections 3E(1)(f) and (g).</p>	<p>(iv) ownership of government securities or of less than one-hundredth of one per cent of the total shares issued and outstanding of any corporation or of its parent or subsidiary corporations is a "financial interest" in the issuer of such securities or its parent or subsidiaries only if the outcome of the proceeding could substantially affect the value of the securities.</p>
<p>“Ex parte communication” denotes a communication, which occurs without notice to or participation by all other parties or lawyers for all other parties to the proceeding, between a judge (or by court staff on behalf of a judge) and (i) a party or a party’s lawyer or (ii) another person who is not a participant in the proceeding. See Sections 3B(7), 3B(7)(a), 3B(7)(a) (i) and (ii) and 3B(7)(e).</p>	
<p>“Fiduciary” denotes an executor, administrator, trustee, guardian and other similar positions. See Sections 3E(1)(f), 4E, 4E(2), and 4E(3).</p>	<p>CANON 3C(3)(b) (b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;</p>
<p>“Knowingly,” “knowledge,” “known” or “knows” denote actual knowledge of the fact in question. That a person has actual knowledge may be inferred from circumstances. See Sections 3B(7)(c)(iv), 3B(11), 3D(1), 3D(2), 3E(1)(d),(e),(f),(g) and (h).</p>	
<p>“Law” denotes court rules as well as statutes, constitutional provisions, and decisional law. See Sections 2A, 3A, 3B(2), 3B(7), 3B(7)(b), 3B(7)(e), 3B(11), 4C(1), 4C(2), 4C(3), 4C(3)(b)(ii), 4D(5)(a), 4H(2), 4I, and 5A(3).</p>	

<p>“Member of the judge’s family residing in the judge’s household” denotes any relative of a judge by blood, adoption, or marriage, a domestic partner, or a person with whom the judge maintains a close familial relationship, who resides in the judge’s household. See Sections 3E(1)(g), 4D(5), and 4D(5)(b).</p>	<p>CANON 5(C)(5) (5) For the purposes of this section "member of his family residing in his household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of his family, who resides in his household.</p>
<p>“Political organization” denotes a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office or passage of ballot questions. See Sections 5A(1)(a), (b), and (c).</p>	
<p>“Relationship interest” denotes a relationship as an officer, director, advisor, or other active participant in the affairs of a party that has more than a de minimis legal or equitable interest. See Sections 3E(1)(f) and (g).</p>	

<p>“Require.” The rules prescribing that a judge “require” certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term “require” in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge’s direction and control. See Sections 3B(4), 3B(5), 3B(6), 3B(9) and 3C(2).</p>	
<p>“Third degree of relationship.” The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, or niece. See Section 3E(1)(h).</p>	<p>CANON 3C(3)(a)</p> <p>(3) For the purpose of this section: (a) the degree of relationship is calculated according to the civil law system;</p>
<p>CANON 1</p> <p>A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY</p> <p>An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.</p>	<p>CANON 1</p> <p>A judge should uphold the integrity and independence of the judiciary</p> <p>An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct 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 without any limitation upon the Supreme Judicial Court in the exercise of its power of general superintendence, whether statutory or inherent, in areas not delineated in the Code.</p>
<p>CANON 2</p> <p>A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES</p>	<p>CANON 2</p> <p>A judge should avoid impropriety and the appearance of impropriety in all his activities.</p>

<p>CANON 2A A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.</p>	<p>CANON 2(A)</p> <p>(A) A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.</p>
<p>CANON 2B A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness in an adjudicatory proceeding.</p>	<p>CANON 2(B)</p> <p>(B) A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.</p>
<p>CANON 2C A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, national origin, ethnicity, or sexual orientation. As long as membership does not violate any other provision of this Code, nothing in the Section bars membership in any official United States military organization, in any religious organization, or in any organization that is in fact and effect an intimate, purely private organization.</p>	<p>CANON 2(C)</p> <p>(C) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.</p>
<p>CANON 3</p> <p>A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY</p>	<p>CANON 3</p> <p>A judge should perform the duties of his office impartially and diligently.</p>

<p>CANON 3(A) The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law.* In the performance of these duties, the following standards apply.</p>	<p>PARAGRAPH TO CANON 3</p> <p>The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:</p>
<p>CANON 3(B) Adjudicative Responsibilities</p>	
<p>CANON 3(B)(1) A judge shall hear and decide matters assigned to the judge except those in which the judge is disqualified.</p>	
<p>CANON 3B(2)</p> <p>A judge shall be faithful to the law* and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.</p>	<p>CANON 3(A)(1)</p> <p>(a) Adjudicative Responsibilities.</p> <p>(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.</p>
<p>CANON 3B(3)</p> <p>A judge shall maintain order and decorum in proceedings before the judge.</p>	<p>CANON 3(A)(2)</p> <p>(2) A judge should maintain order and decorum in proceedings before him.</p>
<p>CANON 3B(4)</p> <p>A judge shall be patient and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require* similar conduct of court personnel* and others.</p>	<p>CANON 3(A)(3)</p> <p>(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.</p>

<p>CANON 3B(5)</p> <p>A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status, and shall require* court personnel* and others not to do so.</p>	<p>CANON 3(B)(5)</p> <p>(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.</p>
<p>CANON 3B(6)</p> <p>A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others.</p>	<p>CANON 3(B)(6)</p> <p>(6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or similar factors, are issues in the proceeding.</p>

CANON 3B(7) Adjudicative Responsibilities.

A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law*. A judge shall not initiate, permit, or consider any ex parte communication* concerning a pending or impending proceeding, except that:

(a) Where circumstances require, an ex parte communication* is authorized when it does not deal with substantive matters and is for scheduling or administrative purposes or emergencies provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication*, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication* and allows them an opportunity to respond.

(b) [Reserved]

(c) A judge may consult with court personnel* whose function is to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, subject to the following:

CANON 3(A)(4)

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law. He should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.

CANON3(B)(7)(c)

(i) a judge shall take all reasonable steps to avoid receiving from court personnel* or other judges factual information concerning a case that is not part of the case record. If court personnel* or another judge nevertheless bring non-record information about a case to the judge's attention, the judge may not base a decision on it without giving the parties notice of that information and a reasonable opportunity to respond. Consultation is permitted between a judge, clerk-magistrate or other appropriate court personnel and a judge taking over the same case or session in which the case is pending with regard to information learned from prior proceedings in the case that may assist in maintaining continuity in handling the case;

(ii) when a judge consults with a probation officer about a party in a pending or impending criminal case or juvenile case, the consultation shall take place in the presence of the parties who have availed themselves of the opportunity to appear and respond;

(iii) a judge shall not consult with an appellate judge, or a judge in a different trial court department, about a case that the judge being consulted might review on appeal; and

(iv) no judge shall consult with another judge about a case pending before one of them when the judge initiating the consultation knows* the other judge has a financial, personal or other interest that would preclude the other judge from hearing the case, and no judge shall engage in such a consultation when the judge knows* he or she has such an interest.

<p>(d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle civil matters pending before the judge.</p>	
<p>(e) A judge may initiate, permit, or consider any ex parte communication* when authorized by law* to do so.</p>	
<p>CANON 3B(8)</p> <p>A judge shall dispose of all judicial matters promptly, efficiently, and fairly.</p>	<p>CANON 3(A)(5)</p> <p>(5) A judge should dispose promptly of the business of the court.</p>
<p>CANON 3B(9)</p> <p>Except as otherwise provided in this section, a judge shall abstain from public comment about a pending or impending Massachusetts proceeding in any court, and shall require* similar abstention on the part of court personnel.*</p> <p>(a) A judge is permitted to make public statements in the course of his or her official duties, or to explain for public information the procedures of the court, general legal principles, or what may be learned from the public record in a case.</p> <p>(b) This Section does not prohibit judges from discussing, in legal education programs and materials, cases and issues pending in appellate courts. This education exemption does not apply, however, to comments or discussions that might interfere with a fair hearing of the case.</p> <p>(c) This section does not apply to proceedings in which the judge is a litigant in a personal capacity.</p>	<p>CANON 3(A)(6)</p> <p>(6) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.</p>

<p>CANON 3B(10)</p> <p>A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.</p>	
<p>CANON 3B(11)</p> <p>A judge shall not disclose or use, for any purpose unrelated to judicial duties, information acquired in a judicial capacity that by law* is not available to the public. When a judge, in a judicial capacity, acquires information, including material contained in the public record that is not yet generally known,* the judge must not use the information in financial dealings for private gain. Notwithstanding the provisions of Section 3B(9), a judge shall not disclose or use, for any other purpose unrelated to judicial duties, information that, although part of the public record, is not yet generally known,* if such information would be expected unnecessarily to embarrass or otherwise harm any person participating or mentioned in court proceedings.</p>	<p>CANON 5(C)7</p> <p>(7) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.</p>
<p>CANON 3C Administrative Responsibilities</p> <p>(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration, and cooperate with other judges and court personnel.*</p>	<p>CANON 3(B)(1)</p> <p>(B) Administrative Responsibilities.</p> <p>(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.</p>

<p>CANON 3C(2)</p> <p>A judge shall require* court personnel,* including personnel who are directly involved in courtroom proceedings over which the judge presides, to observe the standards of fidelity and diligence that apply to the judge.</p>	<p>CANON 3(B)(2)</p> <p>(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.</p>
<p>CANON 3C(3)</p> <p>A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.</p>	
<p>CANON 3C(4)</p> <p>A judge shall not make unnecessary appointments of counsel and staff. The judge shall exercise the power of appointment only on the basis of merit, avoiding appointments based on nepotism or personal or political favoritism. The judge shall not approve compensation of appointees beyond the fair value of service rendered.</p>	<p>CANON 3(B)(4)</p> <p>(4) A judge should not make unnecessary appointments. He should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism. He should not approve compensation of appointees beyond the fair value of service rendered.</p>

CANON 3D. Disciplinary Responsibilities

(1) A judge having knowledge* of facts indicating a substantial likelihood that another judge has committed a violation of the Code that raises a significant question about the judge's honesty, integrity, trustworthiness, or fitness for judicial office shall inform the Chief Justice of this court and of that judge's court. A judge having knowledge* of facts indicating a substantial likelihood that another judge has committed a violation of the Code that does not raise a significant question of that judge's honesty, integrity, trustworthiness, or fitness for judicial office shall take appropriate action.

(2) A judge having knowledge* of facts indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct that raises a significant question as to that lawyer's honesty, integrity, trustworthiness, or fitness as a lawyer shall inform the Bar Counsel's office of the Board of Bar Overseers.

CANON 3(B)(3)

(3) If a judge shall become aware of unprofessional conduct by a judge or a lawyer

(a) he shall in the instance of a judge report his knowledge to the Chief Justices of this court and of the court of which the judge in question is a member, and

(b) in the instance of a lawyer, he shall initiate appropriate investigative or disciplinary measures.

<p>CANON 3(D)3 (reserved)</p>	
<p>CANON 3(E) Disqualification.</p> <p>(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 where:</p> <p>(a) the judge has a personal bias or prejudice concerning a party or a party’s lawyer;</p> <p>(b) the judge served as a lawyer in the matter in controversy;</p> <p>(c) a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter in controversy;</p> <p>(d) the judge has been, or is to the judge’s knowledge* likely to be, a material witness concerning the matter in controversy;</p> <p>(e) the judge has personal knowledge* of disputed evidentiary facts concerning the matter in controversy;</p> <p>(f) the judge is a party to the proceeding or an officer, director, or trustee of a party or the judge knows,* or reasonably should know,* that he or she, individually or as a fiduciary,* has (i) an economic interest* in the subject matter in controversy or in a party to the proceeding, which interest could be substantially affected by the outcome of the proceeding, (ii) a relationship interest* to a party to the proceeding where the party could be substantially affected by the outcome of the proceeding or (iii) any other more than de minimis* interest that could be substantially affected by the outcome of the proceeding;</p>	<p>CANON 3(C)</p> <p>(C) Disqualification.</p> <p>(1) A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:</p> <p>(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;</p> <p>(b) he served as a lawyer in the matter of 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;</p> <p>(c) he know that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial or other property interest in the subject matter in controversy or in a party to the proceeding, which interest could be substantially affected by the outcome of the proceedings;</p> <p>(d) he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person;</p> <p>(i) is a party to the proceeding, or an officer, director, or trustee of a party;</p> <p>(ii) is acting as a lawyer in the proceeding;</p> <p>(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;</p> <p>(iv) is to the judge’s knowledge likely to be a material witness in the proceeding</p>

(g) the judge knows,* or reasonably should know,* that the judge's spouse or child, wherever residing, or any other member of the judge's family residing in the judge's household,* has,

(i) an economic interest* in the subject matter in controversy or in a party to the proceeding, which interest could be substantially affected by the outcome of the proceeding;

(ii) a relationship interest* to a party to the proceeding where the party could be substantially affected by the outcome of the proceeding; or

(iii) any other more than de minimis* interest that could be substantially affected by the outcome of the proceeding; or

(h) the judge's spouse or domestic partner, as well as a person within the third degree of relationship* to the judge, the judge's spouse, or the judge's domestic partner, or a spouse or domestic partner of such other 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 any more than de minimis* interest that could be substantially affected by the outcome of the proceeding, or (iv) is to the judge's knowledge* likely to be a material witness in the proceeding.

(2) [Reserved]

<p>CANON 3(F)</p> <p>Remittal of Disqualification.</p> <p>(1) A judge disqualified by the terms of SECTION 3(E) may, instead of withdrawing from the proceeding, disclose on the record the basis of the judge’s disqualification and ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If, following disclosure of any basis for disqualification other than for cases in which remittal is not available, the parties and lawyers, without participation of the judge, all agree that the judge should not be disqualified, the judge may participate in the proceeding. The judge shall permit an opportunity for the attorneys to consult with their clients regarding this issue. The agreement shall be incorporated in the record of the proceeding.</p> <p>(2) Remittal is not available in cases in which the judge is disqualified under Sections 3E(1)(a), (b), or (d).</p>	<p>CANON 3(D)</p> <p>(D) Remittal of Disqualification. A judge disqualified by the terms of Canon 3(C)(1)(c) or Canon 3(C)(1)(c) or Canon 3(C)(1)(d) may, instead of withdrawing from the proceeding, disclose on the record the basis of his disqualification. If, based on such disclosure, the lawyers, after consultation with their clients independently of the judge's participation, agree in writing that the judge's relationship is immaterial or that his financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all lawyers, shall be incorporated in the record of the proceeding.</p>
<p>CANON 4</p> <p>A JUDGE SHALL SO CONDUCT THE JUDGE’S EXTRAJUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS</p>	<p>CANON 5</p> <p>A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.</p>

<p>CANON 4A. Extrajudicial Activities in General. A judge shall conduct all of the judge's extrajudicial activities so that they do not:</p> <p>(1) cast reasonable doubt on the judge's capacity to act impartially as a judge; or</p> <p>(2) [Reserved]</p> <p>(3) interfere with the proper performance of judicial duties.</p>	<p>FIRST PARAGRAPH TO CANON 4</p> <p>A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:</p>
<p>CANON 4B. Avocational Activities. Subject to the requirements of this Code, a judge may speak, write, lecture, and teach concerning legal and nonlegal matters and may participate in legal and nonlegal activities.</p>	<p>CANON 4(A)</p> <p>(A) He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.</p>
	<p>CANON 5(A)</p> <p>(A) Avocational Activities; A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.</p>
<p>CANON 4C. Governmental, Civic or Charitable Activities.</p> <p>(1) A judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law*, the legal system, or the administration of justice or except when acting pro se.</p>	<p>CANON 4(B)</p> <p>(B) He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.</p>

<p>(2) A judge shall not accept appointment to a governmental position, including a governmental committee or commission, that is concerned with matters other than the improvement of the law*, the legal system, or the administration of justice. A judge may, however, represent a country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities.</p>	<p>CANON 5(G)</p> <p>(G) Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. The foregoing is subject to any limitations imposed by the Constitution of the Commonwealth with respect to any such appointment. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.</p>
<p>CANON 4(C) (3)</p> <p>A judge may serve as an officer, director, trustee, or non-legal advisor of an organization or agency devoted to the improvement of the law,* the legal system, or the administration of justice; or of any educational, religious, charitable, fraternal, or civic organization that is not conducted for profit or for the economic or political advantage of its members, subject to the following limitations and the other requirements of this Code.</p>	<p>CANON 4(C)</p> <p>(C) He may serve as a member, officer, or director of an organization devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to public and private fund granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.</p> <p>CANON 5(B)</p> <p>(B) Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:</p>

<p>(a) A judge:</p> <p>(i) shall not contribute to, or be a member of, such an organization, except a religious organization, if it is likely that the organization will be engaged frequently in adversary proceedings in the court on which the judge serves; and</p> <p>(ii) shall not serve as an officer, director, trustee or non-legal advisor of such an organization if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be engaged frequently in adversary proceedings in any court, state or federal, in the Commonwealth.</p>	<p>CANON 5(B)(1)</p> <p>(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.</p>
---	---

CANON 4(C)(3)(b) A judge as an officer, director, trustee or non-legal advisor, or member of an organization described in Section 4C(3) or in any other capacity as to such an organization:

(i) shall not participate in the management and investment of the organization's funds, shall not assist such an organization in planning fund-raising, and shall not personally participate in the solicitation of funds or other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority;

(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law,* the legal system or the administration of justice;

(iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or, except as permitted in Section 4C(3)(b)(i), if the membership solicitation is essentially a fund-raising mechanism;

CANON 5(B)(2)

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

<p style="text-align: center;">(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.</p> <p>(4) Subject to the requirements of this Code, a judge may serve as an officer, director, trustee, or non-legal advisor of an organization composed entirely or predominantly of judges that exists to further the educational or professional interests of judges. A judge may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but may not personally participate in the solicitation of funds, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority.</p>	
	<p style="text-align: center;">CANON 5(B)(3)</p> <p>(3) A judge should not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.</p>

<p>CANON 4(D) Financial Activities.</p> <p>(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge’s impartiality, that may interfere with the proper performance of the judge’s judicial position, that may reasonably be perceived to exploit the judge’s judicial position, or involve the judge in frequent transactions or continuing business relationships with those lawyers or other persons likely to come before the court on which the judge serves.</p>	<p>CANON 5(C)(1)</p> <p>(C) Financial Activities. (1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial position, or involve him in frequent transaction with lawyers or persons likely to come before the court on which he serves.</p>
<p>CANON 4 D(2)</p> <p>Subject to the requirements of this Code, a judge may hold and manage investments, including real estate, and receive compensation as set forth in Section 4H, but shall not serve, with or without remuneration, as an officer, director, manager, general partner, advisor or employee of any business.</p>	<p>CANON 5(C)(2)</p> <p>(2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity permitted by Canon 4, but should not serve as an officer, director, manager, advisor, or employee of any business.</p>
<p>4 (D) 3 [Reserved]</p>	

CANON 4 D(4)

A judge shall manage his or her investments and other financial interests to minimize the number of cases in which disqualification is required or advisable. As soon as the judge can do so without serious financial detriment, the judge shall divest himself or herself of investments and other financial interests that might require frequent disqualification.

CANON 5(C)(3)

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent disqualification.

CANON 4 D(5)

A judge shall not accept, and shall urge members of the judge's family residing in the judge's household* not to accept, a gift, bequest, favor or loan from anyone except for:

(a) a gift incident to public recognition of the judge, provided the value of the gift does not exceed the amount requiring reporting under Section 4D(5)(h) and provided the donor is not an organization whose members comprise or frequently represent the same side in litigation (or is not an individual or individuals so situated); a gift of books, tapes and other resource materials supplied by publishers on a complimentary basis for official use; or an invitation to the judge and the judge's spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice, provided that if the value of the invitation and any food, travel, and lodging associated with the invitation exceeds the amount requiring reporting in Section 4D(5)(h), the value of the invitation and such associated items shall be reported under Section 4H.

CANON 5(C)(4)

(4) Neither a judge nor a member of his family residing in his household should accept a gift, bequest, favor, or loan from anyone except as follows:

(a) A judge may accept a gift of nominal value incident to public recognition of him; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and his spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

CANON 4(D)(5)

(b) a gift, award or benefit incident to the business, profession, or other separate activity of a spouse or other member of the judge's family residing in the judge's household,* including gifts, awards, and benefits for the use of both the spouse or other family member and the judge (as spouse or family member), provided the gift, award, or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties;

(c) ordinary social hospitality;

(d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;

(e) a gift, bequest, favor, or loan from a relative or close personal friend whose appearance or interest in a case would require disqualification under Section 3E.

(f) a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges;

(g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

CANON 5(C)(4)(b)

(b) a judge or member of his family residing in his household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a gift from a wedding, engagement, confirmation, or like traditional ceremonial occasion; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

<p>CANON 4(D)(5)</p> <p>(h) any other gift, bequest, favor or loan, only if: the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge; and, if its value exceeds \$350.00, the judge reports it in the same manner as the judge reports compensation in Section 4H. However, a gift, bequest, favor, or loan of the type set forth in Sections 4(D)(5)(a), 4(D)(5)(b), 4(D)(5)(f), or 4(D)(5)(g) that does not meet the requirements set forth there may not be accepted under the authority of this section 4(D)(5)(h).</p>	<p>CANON 5(C)(4)(c)</p> <p>(c) a judge or a member of his family residing in his household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before him, and, if its value exceeds \$350, the judge reports it in the same manner as he reports compensation in Canon 6(C).</p>
<p>CANON 4(E) Fiduciary* Activities.</p> <p>A judge shall not serve as an executor, administrator, trustee, guardian, or other fiduciary,* except for the estate, trust, or person of the judge's spouse, domestic partner, child, grandchild, parent or grandparent, as well as another relative or person with whom the judge maintains a close familial relationship. As such a family fiduciary* a judge is subject to the following restrictions:</p>	<p>CANON 5(D)</p> <p>(D) Fiduciary Activities. A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of his family, and then only if such service will not interfere with the proper performance of his judicial duties. "Member of his family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. As a family fiduciary a judge is subject to the following restrictions:</p>

<p>CANON 4(E) (1)</p> <p>The judge shall not serve if such service will interfere with the proper performance of judicial duties;</p>	<p>CANON 5(D)1</p> <p>(1) He should not serve if it is likely that as a fiduciary he will be engaged in proceedings that would ordinarily come before him, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which he serves or one under its appellate jurisdiction.</p>
<p>CANON 4(E)</p> <p>(2) The judge shall not serve if it is likely that as a fiduciary* the judge will 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.</p> <p>(3) While acting as a fiduciary* a judge is subject to the same restrictions on financial activities that apply to the judge in the judge's personal capacity.</p>	<p>CANON 5(D)2</p> <p>(2) While acting as a fiduciary a judge is subject to the same restrictions on financial activities that apply to him in his personal capacity.</p>
<p>CANON 4(F) Arbitration and Mediation. A judge shall not act as an arbitrator or mediator in a private capacity.</p>	<p>CANON 5E</p> <p>(E) Arbitration. A judge should not act as an arbitrator or mediator.</p>
<p>CANON 4(G) Practice of Law. A judge shall not practice law. Notwithstanding this prohibition, a judge may act pro se.</p>	<p>CANON 5F</p> <p>(F) Practice of Law. A judge should not practice law.</p>

<p>CANON 4(H) Compensation, Reimbursement and Reporting</p> <p>(1) Compensation and reimbursement. A judge may receive compensation and reimbursement of expenses for the extrajudicial activities not prohibited by this Code, if the source or amount of such payments does not give the appearance of influencing the judge’s performance of judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:</p>	<p>FIRST PARAGRAPH TO CANON 6</p> <p>A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:</p>
<p>CANON 4(H) (1)(a) Compensation shall not exceed a reasonable amount.</p>	<p>CANON 6(A)</p> <p>(A) Compensation. 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.</p>
<p>CANON 4(H)(1)(b) Reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge’s guest. Any payment in excess of such an amount is compensation.</p>	<p>CANON 6(B)</p> <p>(B) Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.</p>

<p>CANON 4(H)(2)</p> <p>Public reports. A judge shall report on or before April 15 of each year, with respect to the previous calendar year, the date, place, and nature of any activity for which the judge received compensation, the name of the payor and the amount of compensation so received, and such other information as is required by the Supreme Judicial Court or by law.* Compensation or income of a spouse attributed to the judge by operation of a community property law is not extrajudicial compensation to the judge. The judge’s report shall be filed as a public document in the office of the Administrative Assistant to the Supreme Judicial Court (G. L. c. 211, § 3A).</p>	<p>CANON 6</p> <p>A judge should regularly file reports of compensation received for quasi-judicial and extra-judicial activities</p> <p>CANON6(C) Public Reports. A judge should report on or before April 15 of each year, with respect to the previous calendar year, the date, place, and nature of any activity for which he received compensation, and the name of the payor and the amount of compensation so received. Compensation or income of a spouse attributed to the judge by operation of a community property law is not extrajudicial compensation to the judge. His report should be made and should be filed as a public document in the office of the Administrative Assistant to the Supreme Judicial Court (G. L. c.211, § 3A).</p>
<p>CANON 4(I) Disclosure of a judge’s income, debts, investments, or other assets is required only to the extent provided in this Canon and in Sections 3E and F or as otherwise required by law. *</p>	<p>CANON 5(C)(6)</p> <p>(6) A judge is not required by this Code to disclose his income, debts, or investments, except as provided in this Canon and Canons 3 and 6.</p>
<p>CANON 5(A) A JUDGE SHALL REFRAIN FROM POLITICAL ACTIVITY</p> <p>Political Conduct in General</p> <p>(1) A judge shall not:</p>	<p>CANON 7</p> <p>A judge should refrain from political activity.</p> <p>CANON 7(A)(1)</p> <p>(A) Political Conduct in General.</p> <p>(1) A judge should not:</p>

<p>(a) act as a leader of, or hold any office in, a political organization;*</p>	<p>CANON 7(A)(1)(a)</p> <p>(a) act as a leader or hold any office in a political organization;</p>
<p>(b) make speeches for a political organization* or candidate or publicly endorse a candidate for public office;</p>	<p>CANON 7(A)(1)(b)</p> <p>(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;</p>
<p>(c) solicit funds for, or pay an assessment or make a contribution to, a political organization* or candidate, attend political gatherings, or purchase tickets for political party dinners, for functions conducted to raise money for holders of political office or for candidates for election to any political office, or for any other type of political function.</p>	<p>CANON 7(A)(1)(c)</p> <p>(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, for functions conducted to raise money for incumbents of or for candidates for election to any political office, or for any other type of political function.</p>
<p>CANON 5A (2) A judge shall resign from the judicial position held when the judge becomes a candidate either in a primary or in a general election for elective office. On assuming a judicial position, a judge shall resign any elective public office then held.</p>	<p>CANON 7(A)(2)</p> <p>(2) A judge should resign his office when he becomes a candidate either in a primary or in a general election for elective office. On assuming his judicial position, a judge shall resign any elective public office he then holds.</p>
<p>(3) A judge may engage in activity in support or on behalf of measures to improve the law,* the legal system, or the administration of justice.</p>	<p>CANON (7)(A)(3)</p> <p>(3) A judge may engage in activity in support or on behalf of measures to improve the law, the legal system, or the administration of justice.</p>
<p>CANON 6</p> <p>COMPLIANCE WITH THIS CODE</p>	<p>CANON 8</p> <p>Compliance with the Code of Judicial Conduct</p>

<p>A. Retired Judges</p> <p>(1) A judge whose name has been placed upon the list of retired judges eligible to perform judicial duties, pursuant to G. L. c. 32, §§ 65E-65G, shall comply with all provisions of this Code during the term of such eligibility.</p>	<p>CANON 8(A)(1)</p> <p>(A) Retired Judges</p> <p>(1) A judge whose name has been placed upon the list of retired judges eligible to perform judicial duties, pursuant to G. L. c. 32, §§ 65E-65G, should comply with all provisions of this Code of Judicial Conduct during the term of such eligibility.</p>
<p>(2) A judge who has retired or resigned from judicial office shall not, for a period of six months following the date of retirement, resignation, or most recent service as a retired judge pursuant to G. L. c. 32, §§ 65E-65G, perform court-connected dispute resolution except on a pro bono publico basis, enter an appearance, or accept an appointment to represent any party in any court of the Commonwealth.</p>	<p>CANON 8(A)(2)</p> <p>(2) A judge who has retired or has resigned from judicial office should not enter an appearance nor accept an appointment to represent any party in any court of the Commonwealth for a period of six months following the date of retirement, resignation or most recent service as a retired judge pursuant to G. L. c. 32, §§ 65E-65G.</p>
<p>B. Time for Compliance</p> <p>A person to whom this Code becomes applicable shall comply immediately with all its provisions except Sections 4D(2), 4D(3), and 4E and shall comply with those Sections as soon as reasonably possible and in any event within one year.</p>	
<p>EFFECTIVE DATE OF COMPLIANCE</p> <p>The effective date of compliance of this Code is October 1, 2003.</p>	<p>EFFECTIVE DATE OF COMPLIANCE</p> <p>The effective date of compliance of this Code is January 1, 1973.</p>