



Administrative Office of Pennsylvania Courts

PRESS RELEASE

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Supreme Court Amends Campaign Rules Governing Judicial Candidates

HARRISBURG, November 21, 2002 — Chief Justice of Pennsylvania Stephen A. Zappala announced today that the Supreme Court is amending its conduct rules for judges and district justices to address campaign ethics and the administration of justice.

Separate amendments were made today by the court to Canon 7B(1)(c) of the Code of Judicial Conduct — which governs judges and judicial candidates of the Common Pleas and appellate courts — and to Rule 15D(3) of the Rules Governing Standards of Conduct of District Justices. Both orders take effect immediately.

The first change involves deleting the following language from the text of proscribed conduct in the rules: “announce his views on disputed legal or political issues.” A second change involves adding a provision in conformance with the American Bar Association's Model Code of Judicial Conduct. The amendment prohibits judicial candidates from making “statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.” (*Copies of the amended canon and rule are attached below.*)

“The fundamental need for judicial impartiality and the appearance thereof — a cornerstone of public trust and confidence in the courts — must be carefully balanced with some of the practical considerations attending campaigns,” Chief Justice Zappala said. “The changes adopted today underscore the court’s paramount concern with integrity in the judicial process, including judicial campaigns.”

Pennsylvania is one of about 40 states with some type of judicial elections. Most have limits on what judicial candidates can say or do while campaigning. The judicial codes of 23 states include the ABA Model Code provision adopted today by the court; seven others have similar provisions.

The latest changes were in response to the U.S. Supreme Court’s June 2002 ruling in *Republican Party of Minnesota v. White* that found the “announce clause” in Minnesota's canons of judicial conduct violative of the First Amendment.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: AMENDMENT OF RULE 15D(3) : No. 137 Magisterial Docket
 : No. 1, Book 2
OF THE RULES GOVERNING :
STANDARDS OF CONDUCT OF :
DISTRICT JUSTICES :

O R D E R

PER CURIAM

AND NOW, this 21st day of November, 2002, Rule 15D(3) of the Rules Governing Standards of Conduct of District Justices is amended to read as attached hereto.

To the extent that notice of the proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 15D(3) is hereby found to be required in the interest of justice and the efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Note: Underscored material is added.
Bracketed material is deleted.

**RULES GOVERNING STANDARDS OF CONDUCT OF
DISTRICT JUSTICES**

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RULE 15. PUBLIC OFFICE AND POLITICAL ACTIVITY

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D. With respect to his campaign conduct, a district justice or a candidate for such office shall:

* * * * *

(3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; [announce his views on disputed legal or political issues] make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent his identity, qualifications, present position, or other fact.

Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002) concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.

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IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: AMENDMENT OF CANON : No. 246 Judicial Administration
: Docket No. 1
7B(1)(c) OF THE CODE :
: OF JUDICIAL CONDUCT

ORDER

PER CURIAM

AND NOW, this 21st day of November, 2002, Canon 7B(1)(c) of the Code of Judicial Conduct is amended to read as attached hereto.

To the extent that notice of the proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Canon 7B(1)(c) of the Code of Judicial Conduct is hereby found to be required in the interest of justice and the efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Note: Underscored material is added.
Bracketed material is deleted.

CODE OF JUDICIAL CONDUCT

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CANON 7. A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

* * * * *

B. Campaign Conduct.

(1) A candidate, including an incumbent judge, for a judicial office, that is filled either by public election between competing candidates or on the basis of a merit system election:

* * * * *

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; [announce his views on disputed legal or political issues] make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent his identity, qualifications, present position, or other fact.

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Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002), concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.

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