

CONFERENCE OF CHIEF JUSTICES

Resolution 8

In Support of American Bar Association Resolution 105C

WHEREAS, the Conference of Chief Justices recognizes that a fair and impartial judiciary is indispensable to preserving justice and the rule of law; and

WHEREAS, the Conference is committed to preserving due process as one of the most basic values of our justice system; and

WHEREAS, fair and impartial justice requires that judges act without regard to the identity of parties or their attorneys, the judge's own interests or potential criticism; and

WHEREAS, the Conference, at its January 29, 2014 Midyear Meeting adopted Resolution 8 urging its members to establish procedures that incorporate transparent, timely, and independent review for determining a party's motion for judicial disqualification/recusal; and

WHEREAS, the American Bar Association is considering Resolution 105C at its 2014 Annual Meeting; and

WHEREAS, Resolution 105C urges states and territories to adopt judicial disqualification and recusal procedures that: (1) take into account the fact that certain campaign expenditures and contributions, including independent expenditures, made during judicial elections raise concerns about possible effects on judicial impartiality and independence; (2) are transparent; (3) provide for the timely resolution of disqualification and recusal motions; and (4) include a mechanism for the timely review of denials to disqualify or recuse that is independent of the subject judge; and (5) provide guidance and training to judges in deciding disqualification/recusal motions; and

WHEREAS, ABA Resolution 105C is consistent with the provisions of CCJ Resolution 8;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges the American Bar Association to adopt Resolution 105C.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee at the CCJ 2014 Annual Meeting.