

COMMITTEE BACKGROUND

The Committee was established by the Minnesota Supreme Court on January 23, 2007, to study the need for and advisability of further amendments to Canon 5 and other provisions of the Code of Judicial Conduct, with consideration of changes that may be included in the new model code considered by the American Bar Association House of Delegates in February 2007.

The Committee was given until September 1, 2007 to file a report. The reporting date was extended by the Court to October 15, 2007. The full Committee met a total of seven times between June and September 2007. The Committee reviewed the previous work of earlier Minnesota Advisory Committees on Judicial Conduct in 2004, 2005, and 2006, the U.S. Supreme Court decision in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), the Eighth Circuit Court of Appeals decision in 416 F. 3rd 738 (8th Cir. 2005) and the amendments to the Minnesota Code of Judicial Conduct adopted by the Minnesota Supreme Court in 2004 and 2006.

The Committee received information about the 2007 ABA Model Code of Judicial Conduct and the extensive hearing and commentary process considered by the American Bar Association prior to adopting the 2007 ABA Model Code of Judicial Conduct in February 2007. The Committee carefully considered the provisions of that Code. The Committee formed subcommittees to review each of the four canons of the 2007 ABA Model Code to determine whether amendment should be required for Minnesota. The subcommittees met a total of nine times to consider the application of the 2007 ABA Model Code to Minnesota practices, procedures and law.

The Committee scheduled a hearing for public comment on its recommendations and gave notice of that hearing to a variety of public and professional organizations with an interest in judicial ethics.

In the interest of developing a consistent body of interpretation on issues concerning judicial ethics and a clear statement of enforceable standards, the Committee recommends the adoption of the 2007 ABA Model Code of Judicial Conduct with the indicated adaptations to the applicable law in Minnesota.