

## Disciplinary Proceedings and Judicial Independence

IAJ 1st Study Commission  
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U.S. Federal Judges Association  
Hon. Marilyn L. Huff, Past President

### **1. What kind of allegation can justify disciplinary proceedings against judges in your country: an individual's behavior only in the workplace or also in his or her private life? Give some examples, please. Can the content of the decisions taken by judges also lead to disciplinary proceedings? Can judges be charged criminally for the content of their judicial decisions under any circumstances?**

The United States federal court system is an independent national judiciary providing civil and criminal adjudication within the jurisdiction conferred by the United States Constitution and Congress.<sup>1</sup> Members of the Federal Judges Association are district and appellate court judges in the United States federal courts. The federal judiciary is the third branch of the United States government. Under Article III of the U.S. Constitution, federal judges are appointed with life tenure to protect the judiciary against political reprisal and ensure judicial independence.<sup>2</sup> Accordingly, disciplinary proceedings against a federal judge are complex and entail multiple layers of procedure to protect the judiciary.

Disciplinary proceedings against federal judges generally involve allegations of judicial misconduct.<sup>3</sup> Judicial misconduct includes, but is not limited to: using the judge's office to obtain special treatment for friends or relatives; accepting bribes, gifts, or personal favors related to the judicial office; engaging in improper ex parte communications with parties or counsel for one side in a case; engaging in partisan political activity or making inappropriately partisan statements; soliciting funds for organizations; and violating requirements for financial disclosure or restrictions on outside income.<sup>4</sup> Judicial misconduct also includes abusive or harassing behavior, including: sexual conduct, such as harassment or assault; treating litigants, attorneys, judicial employees, or others in a demonstrably egregious or hostile manner; creating a hostile work environment for judicial employees; and intentional discrimination on the basis of race, color, sex,

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<sup>1</sup> In addition to the federal judiciary, each state within the United States has its own judicial system, governed by the state's own rules for appointment and discipline. Unless otherwise indicated, this report discusses the questions in terms of the United States federal judiciary.

<sup>2</sup> U.S. CONST. Art. III § 1; see also JARED P. COLE & TODD GARVEY, CONG. RESEARCH SERV., RL46013, IMPEACHMENT AND THE CONSTITUTION 41 (2019).

<sup>3</sup> In a review of impeachments of federal judges from 1789 to 1992, Eleanore Bushnell writes that "[i]mpeached officers have displayed persisting misconduct; only James H. Peck came before the Senate accused of just one misdeed." ELEANORE BUSHNELL, CRIMES, FOLLIES, AND MISFORTUNES: THE FEDERAL IMPEACHMENT TRIALS 322 (1992).

<sup>4</sup> Rules for Judicial-Conduct and Judicial-Disability Proceedings Rule 4(a)(1) (Jud. Conf. of the U.S. 2019) (hereinafter "Judicial-Conduct Rules"), available at [https://www.uscourts.gov/sites/default/files/judicial\\_conduct\\_and\\_disability\\_rules\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/judicial_conduct_and_disability_rules_effective_march_12_2019.pdf).

gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability.<sup>5</sup> Additionally, misconduct includes retaliation against those participating in the complaint process or reporting misconduct; interference or failure to comply with the complaint process; and failure to report or disclose to the relevant Chief Judge any reliable information reasonably likely to constitute judicial misconduct or disability.<sup>6</sup> Finally, judicial misconduct may include conduct outside the performance of official duties if the conduct is reasonably likely to have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people.<sup>7</sup>

Any person may file a complaint alleging judicial misconduct.<sup>8</sup> The complaint is initially reviewed by the Chief Judge of the federal appellate court for the regional circuit.<sup>9</sup> If further proceedings are warranted, the Chief Judge appoints a special committee of judges to investigate and make recommendations to the Judicial Council for the regional circuit.<sup>10</sup> The Judicial Council may then impose disciplinary penalties or refer the complaint to the national Judicial Conference with recommendations.<sup>11</sup> If the Judicial Conference considers the allegations of misconduct serious enough to justify removal, it can refer the case to the U.S. Congress for impeachment.<sup>12</sup> Judges frequently resign upon the initiation of disciplinary proceedings. One recent example includes a judge on the United States Court of Appeals for the Ninth Circuit who resigned after the judiciary announced an investigation into claims that he committed sexual harassment.<sup>13</sup> In another recent case, a district judge resigned after the judiciary disciplined him for sexual harassment.<sup>14</sup>

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<sup>5</sup> Judicial-Conduct Rule 4(a)(2)–(3).

<sup>6</sup> Id. Rule 4(a)(4)–(6).

<sup>7</sup> Id. Rule 4(a)(7).

<sup>8</sup> Id. Rule 7(a).

<sup>9</sup> Id. Rule 11(a).

<sup>10</sup> Id. Rules 11(f), 13–14, 17.

<sup>11</sup> Id. Rule 20(b)(1).

<sup>12</sup> Id. Rules 20(b)(2)(A), 23(b)(6). Alternatively, the U.S. House of Congress may initiate impeachment proceedings on its own. Impeachment is the process set in the United States Constitution for how federal judges may be removed from office. U.S. CONST. Art. II § 4. For example, one district judge was impeached and removed from office in 1986 after being convicted for committing perjury before a federal grand jury. BUSHNELL, supra note 3, at 314. Another federal district judge who served on the U.S. Commerce Court was impeached and removed after abusing his position to generate profitable business deals with litigants and potential litigants before his court. COLE & GARVEY, supra note 2, at 23–24. The process of impeachment is detailed further in this report’s responses to questions two, three, and four.

<sup>13</sup> Matt Zapotosky, Federal Appeals Judge Announces Immediate Retirement Amid Probe of Sexual Misconduct Allegations, WASH. POST (Dec. 18, 2017), available at [https://www.washingtonpost.com/world/national-security/federal-appeals-judge-announces-immediate-retirement-amid-investigation-prompted-by-accusations-of-sexual-misconduct/2017/12/18/6e38ada4-e3fd-11e7-a65d-1ac0fd7f097e\\_story.html](https://www.washingtonpost.com/world/national-security/federal-appeals-judge-announces-immediate-retirement-amid-investigation-prompted-by-accusations-of-sexual-misconduct/2017/12/18/6e38ada4-e3fd-11e7-a65d-1ac0fd7f097e_story.html). This judge had also been the subject of a judicial investigation in 2009 due to allegations of inappropriate behavior. Mem. Op., In re: Complaint of Judicial Misconduct, J.C. No. 03-08-90050 (3d. Cir. Jun. 5, 2009), available at <http://www2.ca3.uscourts.gov/opinarch/089050p.pdf>.

<sup>14</sup> Hailey Konnath, Kan. Judge Sanctioned for Sexual Harassment to Resign, LAW360 (Feb. 18, 2020), available at <https://www.law360.com/articles/1245089/kan-judge-sanctioned-for-sexual-harassment-to-resign>; see also Order, In re: Complaint Under the Judicial Conduct and Disability Act, No. 10-18-90022 (10th Cir. Sept. 30, 2019), available at <https://www.ca10.uscourts.gov/sites/ca10/files/misconduct/10-18-90022.J.pdf>.

Generally, the content of decisions or opinions issued by federal judges in the United States does not justify disciplinary proceedings.<sup>15</sup> Federal judges in the United States have absolute immunity against civil liability for the content of their decisions.<sup>16</sup> Additionally, judges are protected from criminal prosecution for the content of their judicial opinions under the First Amendment to the United States Constitution, which limits laws from criminally punishing individuals for the content of their speech.<sup>17</sup>

**2. Which body is responsible for disciplinary proceedings against judges in your country? Is the body that carries out the disciplinary procedure the same one that imposes the penalties? What is the composition of the body responsible for disciplinary proceedings (as well as the one who must apply penalties to judges, when it is not the same)? Is it composed only by judges, does it have a mixed composition, or is it composed only by professionals outside of the Judiciary Branch? Kindly describe the composition of that body (those bodies).**

The Judicial Conference is the organization responsible for making policy for the United States courts.<sup>18</sup> It promulgates rules governing the courts, including the Codes of Conduct governing the ethical behavior of judges.<sup>19</sup> The Judicial Conference consists of the Chief Justice of the Supreme Court, the Chief Judge of each judicial circuit, the Chief Judge of the Court of International Trade, and a district judge from each judicial circuit.<sup>20</sup>

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<sup>15</sup> 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 4(b)(1) (“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.”). But this has not always been the case. In the early history of the United States, one of the very first impeachments was initiated against a Supreme Court Justice, in part, because of comments he made while charging grand juries. The articles of impeachment against Justice Samuel Chase stated that, “[i]n May 1803, while charging a grand jury in Baltimore, Chase spoke disparagingly of some Republican policies, sharply criticized at least one act of Congress passed after Jefferson became president, and also criticized proposed changes in the Maryland state constitution.” WILLIAM REHNQUIST, GRAND INQUESTS: THE HISTORIC IMPEACHMENTS OF JUSTICE SAMUEL CHASE AND PRESIDENT ANDREW JOHNSON 22 (1992). On March 12, 1804, the United States House of Representatives initiated impeachment proceedings against Justice Samuel Chase of the United States Supreme Court, driven to do so largely by political partisanship. *See, e.g.*, ARTHUR MEIER SCHLESINGER, THE IMPERIAL PRESIDENCY 30 (1973); BUSHNELL, *supra* note 3, at 25; REHNQUIST, at 26–27. However, following the trial held by the Senate, senators from both the same and opposing political parties as Justice Chase voted to acquit him of the charges, setting a strong precedent in defense of judicial independence and against impeachment of judges on partisan grounds. REHNQUIST, at 115; *see also* ROBERT A. CARO, MASTER OF THE SENATE, 12–14 (2002).

<sup>16</sup> “As early as 1872, the [Supreme] Court recognized that it was ‘a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, [should] be free to act upon his own convictions, without apprehension of personal consequences to himself.’” *Stump v. Sparkman*, 435 U.S. 349, 355 (1978) (quoting *Bradley v. Fisher*, 80 U.S. 335, 347 (1871)). “For that reason, ‘judges of courts of superior or general jurisdiction are not liable to civil actions for their judicial acts.’” *Id.* at 355–56 (quoting *Bradley*, 80 U.S. at 351).

<sup>17</sup> U.S. CONST. amend. I. *See also In re Kendall*, 712 F.3d 814, 833 (3d Cir. 2013).

<sup>18</sup> 28 U.S.C. § 331.

<sup>19</sup> *Id.*; *see also* Judicial Conference of the United States, *Code of Conduct for United States Judges* (last rev. Mar. 12, 2019), *available at* [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

<sup>20</sup> 28 U.S.C. § 331.

The Judicial Conference also includes two committees related to judicial discipline. The Committee on Judicial Conduct and Disability conducts final review of the judiciary’s disciplinary proceedings against a federal judge.<sup>21</sup> The Committee on the Codes of Conduct makes policy recommendations on matters of judicial ethics and renders advisory opinions on the Codes of Conduct.<sup>22</sup> Individual judges may solicit the Committee on the Codes of Conduct for a confidential advisory opinion,<sup>23</sup> and though such requests for guidance may not provide immunity from discipline, they offer judges another layer of protection.

The Chief Judges of the United States Court of Appeals for each regional circuit, special committees appointed by the Chief Judge, and the Judicial Councils of the regional circuits handle complaints, investigations, and discipline (short of removal or disqualification from future office) against any federal judge other than a Supreme Court Justice.<sup>24</sup> The special committees are ad hoc committees consisting of the Chief Judge and an equal number of appellate and district judges selected by the Chief Judge.<sup>25</sup> The Judicial Councils are each chaired by its regional circuit’s Chief Judge, and they consist of an equal number of appellate and district judges from the circuit.<sup>26</sup>

The United States Congress is the body responsible for impeachment, the disciplinary procedure for removing or disqualifying a judge from future office.<sup>27</sup> The United States Congress is a legislative body whose members are elected by popular vote,<sup>28</sup> and separate functions in the impeachment process are carried out by the two bodies constituting Congress. The House of Representatives initiates impeachment proceedings and drafts the articles of impeachment that list the charges levied against a judge.<sup>29</sup> Members of the House of Representatives act as impeachment managers, serving as the prosecutors of the judge in the impeachment trial held by the Senate.<sup>30</sup> The Senate conducts the impeachment trial and votes on whether to convict or acquit, requiring a two-thirds majority to convict.<sup>31</sup> Impeachment proceedings against federal judges before the United States Congress are relatively rare. Only fifteen federal judges have been impeached in

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<sup>21</sup> Judicial-Conduct Rule 21.

<sup>22</sup> Federal Judiciary System’s Oversight and Accountability System, ADMIN. OFFICE OF THE U.S. COURTS, 53 (2012).

<sup>23</sup> Such advisory opinions may be published publicly if the opinion touches on broader issues that arise frequently and if the Committee redacts the opinion to preserve privacy interests. Id.

<sup>24</sup> 28 U.S.C. §§ 351–362. For federal judges in the United States Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit, these specific courts prescribe their own rules establishing disciplinary procedures. Id. § 363.

<sup>25</sup> Id. § 353.

<sup>26</sup> Id. § 332. For state judges, each state has established its own judicial conduct organization charged with investigating and prosecuting complaints against judicial officers. CYNTHIA GRAY, A STUDY OF STATE JUDICIAL DISCIPLINE SANCTIONS, AM. JUDICATURE SOC’Y 3 (2002).

<sup>27</sup> U.S. CONST. Arts. I §§ 2–3, II § 4.

<sup>28</sup> Id. Art. I §§ 1–2, amend. XVII.

<sup>29</sup> Id. Art. I § 2.

<sup>30</sup> BUSHNELL, supra note 3, at 17.

<sup>31</sup> U.S. CONST Art. I § 3.

American history.<sup>32</sup> The last federal judge impeached was a district judge removed from office in 2010 for accepting bribes.<sup>33</sup>

### **3. Which disciplinary penalties can be imposed on judges in your country? Is the disciplinary penalty of removal from office among them? Can a judicial conviction for a crime lead to a penalty of removal from office?**

In the United States, there are several disciplinary penalties that can be imposed upon federal judges, including: private censure,<sup>34</sup> public censure,<sup>35</sup> ordering that no new cases be assigned to the subject judge for a limited, fixed period,<sup>36</sup> disqualification from future office,<sup>37</sup> and removal from office.<sup>38</sup>

A conviction for a crime may lead to removal from office, but it does not trigger removal automatically. As with any removal of a judge, removal occurs only if Congress initiates impeachment, and the Senate votes for conviction and removal. For example, one district judge had been criminally convicted for federal tax evasion in 1984. He was impeached and removed in 1986 after he refused to resign and threatened to retake his seat upon completion of his prison sentence.<sup>39</sup>

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<sup>32</sup> COLE & GARVEY, *supra* note 2, at 56–57. This is the number of federal judges for whom the House of Representatives voted to impeach, including judges who resigned before the Senate trial or whom the Senate eventually acquitted. This number does not include judges who resigned before the House of Representatives could vote to impeach.

<sup>33</sup> See List of Individuals Impeached by the House of Representatives, U.S. HOUSE OF REPRESENTATIVES, <http://history.house.gov/Institution/Impeachment/Impeachment-List/> (last visited Jul. 21, 2022); Impeachment, Senate Impeachment Trials, U.S. SENATE, <https://www.senate.gov/about/powers-procedures/impeachment/impeachment-list.htm> (last visited Jul. 21, 2022).

<sup>34</sup> Judicial-Conduct Rule 20(b)(1)(D)(i).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* Rule 20(b)(1)(D)(ii).

<sup>37</sup> U.S. Const. Art. I § 3 cl. 7.

<sup>38</sup> *Id.* State judges face a similar list of disciplinary penalties, though not every penalty is available in every state. For state judges, disciplinary penalties may include public warning, reprimand, admonishment or admonition, censure, fine, suspension without pay, and removal. GRAY, *supra* note 27, at 6.

<sup>39</sup> BUSHNELL, *supra* note 3, at 289–305, 314–15.

**4. In the disciplinary proceedings against judges in your country, is a fair trial granted? Is there an appeal against the decision imposing a disciplinary penalty on judges? During the disciplinary proceedings, can the judge be suspended from office? Does the judge who is suspended during disciplinary proceedings continue to earn a salary normally or does the judge suffer any reduction in income?**

Different procedures govern disciplinary proceedings pursued through the judiciary or through impeachment. Disciplinary proceedings pursued through the judiciary are administrative proceedings,<sup>40</sup> meaning they do not adhere to the same set of procedures followed in a civil or criminal trial in the United States.<sup>41</sup> Any person may file a complaint alleging judicial misconduct.<sup>42</sup> The complaint is initially reviewed by the Chief Judge of a regional circuit.<sup>43</sup> At this point, the Chief Judge is empowered to informally resolve the matter. The Chief Judge may communicate with the complainant, subject judge, and knowledgeable parties, and the Chief Judge may request that the subject judge take voluntary corrective action.<sup>44</sup> If the Chief Judge determines that the complaint cannot be dismissed, the Chief Judge must appoint a special committee of judges to investigate the complaint and make recommendations to the Judicial Council for the regional circuit.<sup>45</sup> The Judicial Council may then dismiss the complaint, conclude that further action is unnecessary, issue an order with remedial action, or refer the complaint to the Judicial Conference with recommendations.<sup>46</sup>

Generally, disciplinary proceedings are kept confidential while the proceedings are ongoing.<sup>47</sup> However, the Chief Judge, special committee, Judicial Council, or Committee on Judicial Conduct and Disability may disclose the existence of a disciplinary proceeding if necessary or appropriate to maintain public confidence in the judiciary's ability to redress misconduct, or under special circumstances, such as those where the Judicial Conference approves a study on judicial discipline.<sup>48</sup> Materials from a disciplinary proceeding may also be disclosed to any person if both the subject judge and Chief Judge consent in writing.<sup>49</sup> Upon final action in a

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<sup>40</sup> Judicial Conduct-Rule 16 cmt.; Federal Judiciary System's Oversight and Accountability System, ADMIN. OFFICE OF THE U.S. COURTS, 9 (2012).

<sup>41</sup> For example, the American legal system is an adversarial system, which places the burden of producing evidence upon the parties. See generally, Hein Kötz, Civil Justice Systems in Europe and the United States, 13 DUKE J. COMP. & INT'L L. 61 (2003). However, in a judicial disciplinary proceeding, the Chief Judge is authorized to conduct a limited factual investigation, Judicial-Conduct Rule 11(b), and if the matter proceeds to a special committee, that committee may also conduct an investigation, including "use of appropriate experts or other professionals" and the use of subpoena powers. Judicial-Conduct Rule 13. And unlike criminal and civil trials in the United States, which are presumptively open to the public, see, e.g., Press-Enter. Co. v. Superior Court of California for Riverside Cty., 478 U.S. 1, 9 (1986), judicial disciplinary proceedings are kept confidential, except under limited circumstances, such as when proceedings result in the penalty of public censure. Judicial-Conduct Rules 23–24.

<sup>42</sup> Judicial-Conduct Rule 7(a).

<sup>43</sup> Id. Rule 11(a).

<sup>44</sup> Id. Rule 11(b), (d) & Rule 11 cmt.

<sup>45</sup> Id. Rules 11(f), 13–14, 17.

<sup>46</sup> Id. Rule 20(b)(1).

<sup>47</sup> Id. Rule 23(b)(1).

<sup>48</sup> Id. Rule 23(b)(1), (8)–(9).

<sup>49</sup> Id. Rule 23(b)(7).

disciplinary proceeding, all orders entered by the Chief Judge, Judicial Council, and Committee on Judicial Conduct and Disability must be made public, including memoranda incorporated by reference and any dissenting or separate statements.<sup>50</sup> However, these materials may not be made public if the complaint was dismissed before the appointment of a special committee or if the judiciary determines that private reprimand is the appropriate penalty.<sup>51</sup> In cases where a complaint is dismissed after the appointment of a special committee, the Judicial Council may determine whether the name of the subject judge should be disclosed.<sup>52</sup>

Although these proceedings are administrative, judges subject to them are guaranteed many of the core due process rights guaranteed in civil proceedings. Subject judges must be given notice of a complaint and the appointment of a special committee to further investigate a complaint.<sup>53</sup> A subject judge also has the right to retain counsel and a right to participate in the disciplinary proceedings.<sup>54</sup> This includes the right to present witnesses and evidence at any hearing conducted by the special committee, though such hearings are conducted as administrative proceedings and not as a trial.<sup>55</sup> A judge may respond to any report issued by the special committee, and a judge may appeal an order by the Judicial Council to the Judicial Conference's Committee on Judicial Conduct and Disability.<sup>56</sup>

For impeachment proceedings, judges subject to impeachment have been allowed to appear before the investigating committee, to have counsel, to present witnesses, and to examine the witnesses against him or her.<sup>57</sup> However, because impeachment is conducted by the Senate, it is an inherently political process with procedural rules subject to the Senate's discretion, meaning impeachments may not adhere to ordinary trial procedure.<sup>58</sup>

Judges are not suspended during disciplinary proceedings,<sup>59</sup> but the Chief Judge may take appropriate action to resolve the complaint through voluntary corrective action, including

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<sup>50</sup> Id. Rule 24(a).

<sup>51</sup> Id.

<sup>52</sup> Id. Rule 23(a)(2).

<sup>53</sup> Id. Rules 11(a), 15(a).

<sup>54</sup> Id. Rules 11(f), 15(d), 19(a), 20(a). A subject judge is guaranteed the right to present argument at every stage except upon final appeal before the Judicial Conference's Committee on Judicial Conduct and Disability, since "[t]here is ordinarily no oral argument or personal appearance before the Committee." Id. Rule 21(e). However, the Committee may exercise its discretion to permit written submissions. Id.

<sup>55</sup> 28 U.S.C. § 358(b)(2). See also Judicial-Conduct Rules 14(c), 15(a), (c), (d), and (f).

<sup>56</sup> Judicial-Conduct Rules 20(a), 21.

<sup>57</sup> BUSHNELL, supra note 3, at 21.

<sup>58</sup> Michael Gerhardt, Constitutional Limits to Impeachment and its Alternatives, 68 TEX. L. REV. 1, 5 (1989) ("[I]mpeachment is by nature, structure, and design an essentially political process."). For example, in the very first impeachment trial brought against a federal judge, three members of the House of Representatives who voted to initiate impeachment had subsequently been elected to the Senate, where they then casted votes in favor of impeachment. BUSHNELL, supra note 3, at 52. Since the House of Representatives acts as prosecutor in an impeachment, and the Senate acts as jury, this meant that three individuals served as both prosecutors and jurors, which would be impermissible in an ordinary trial.

<sup>59</sup> 28 U.S.C. § 359 (stating that the only limitation imposed upon a judge subject to a disciplinary proceeding is that he or she may not serve upon a judicial council, the Judicial Conference, a standing committee established under 28 U.S.C. § 331, or a special committee appointed to conduct disciplinary proceedings).

voluntary recusal.<sup>60</sup> Alternatively, the Judicial Council may take other corrective action during proceedings, such as ordering that no new cases be assigned to the subject judge for a limited, fixed period.<sup>61</sup> A judge loses his or her salary and pension only if he or she is removed from office through impeachment.<sup>62</sup>

**5. Were there any recent changes regarding disciplinary proceedings that may be considered to infringe upon judicial independence in your country? If so, were those changes introduced by legislation, or were existing laws applied differently? Please specify.**

There have been recent changes in the judiciary's disciplinary rules in response to recent revelations of sexual harassment.<sup>63</sup> These changes were not introduced by legislation, but were rules prescribed by the Judicial Conference and the judiciary. The changes include changes to the Codes of Conduct to expressly forbid sexual or other forms of harassment, to require that judges and employees report such conduct, and to clarify that existing confidentiality rules do not bar a judicial employee from reporting acts of harassment.<sup>64</sup> These changes generally improve the judiciary's rules of ethical conduct and do not threaten to infringe upon judicial independence.

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<sup>60</sup> Judicial-Conduct Rule 4 cmt.; Rule 11(a)(2), (d); Rule 11 cmt.

<sup>61</sup> Id. Rule 20(b)(1)(D)(ii).

<sup>62</sup> See 28 U.S.C. § 371 (providing retirement salary to any judge of the United States who retires “during good behavior”); BUSHNELL, supra note 3, at 293 (describing a judge continuing to draw his full salary, despite a criminal conviction and imprisonment, as a motivating factor for impeachment).

<sup>63</sup> Debra Cassens Weiss, Federal Judiciary Adopts Ethics Rules Barring Sex Harassment, Egregious Treatment of Workers, ABA J. (Mar. 13, 2019), available at <https://www.abajournal.com/news/article/federal-judiciary-adopts-ethics-rules-barring-sex-harassment-egregious-treatment-of-workers>.

<sup>64</sup> Id.; Ann E. Marimow, Federal Judiciary Leaders Approve New Rules to Protect Court Employees from Workplace Harassment, WASH. POST (Mar. 12, 2019), available at [https://www.washingtonpost.com/local/legal-issues/federal-judiciary-leaders-approve-new-rules-to-protect-court-employees-from-workplace-harassment/2019/03/12/588a7208-44c3-11e9-8aab-95b8d80a1e4f\\_story.html](https://www.washingtonpost.com/local/legal-issues/federal-judiciary-leaders-approve-new-rules-to-protect-court-employees-from-workplace-harassment/2019/03/12/588a7208-44c3-11e9-8aab-95b8d80a1e4f_story.html).