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NEWS RELEASE

Judiciary Updates Code of Conduct; Seeks New Judgeships

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March 17, 2009 — The Judicial Conference of the United States today adopted a revised Code of Conduct for United States Judges that will take effect July 1, 2009, the first substantial Code revision since 1992. At its biannual meeting, the Conference also voted to ask Congress to create 63 new federal judgeships — 12 in the courts of appeals (nine permanent and three temporary) and 51 in the district courts (38 permanent and 13 temporary).

In voting to adopt the revised Code of Conduct, the Conference condensed what had been seven rules, or canons, to five, and reworded the language accompanying each canon into plainer, clearer English.

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- ▶ [Judgeship Recommendations](#) (pdf)

The revised Code builds on the dictate in Canon 1 that judges should uphold the integrity and independence of the Judiciary.

In Canon 2, which states judges should “avoid impropriety and the appearance of impropriety in all activities,” the revised Code for the first time offers a definition of the “appearance of impropriety.” It states: “An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.”

That Canon now includes additional forms of impermissible influence, and expands the test for an appearance of impropriety to address concerns beyond judges’ adjudicative responsibilities.

Canon 3 retains strict provisions on judicial disqualification. It includes new language imposing an obligation on judges who learn of a possible Code violation: “A judge should take appropriate action upon learning of reliable evidence indicating the likelihood that a judge’s conduct contravened this Code or a lawyer violated applicable rules of professional conduct.”

The old Code’s Canons 4, 5, and 6, which relate to extra-judicial activities, are consolidated into a new Canon 4, and the last Canon thus becomes Canon 5 rather than Canon 7. The existing Code [is available here](#). The revised Code, which will take effect July 1, 2009, [is available here](#).

Congress has not increased the number of appellate judges since it last enacted an omnibus judgeship bill in 1990. Since that time, the number of court of appeals judgeships has remained at 179, even though federal appellate court case filings have risen by 42 percent over the same 19-year period.

Through various appropriations measures, Congress has increased the number of

district court judgeships by 4 percent, from 645 to 674, since 1990, a period in which district court case filings have risen by 34 percent. The Conference judgeship recommendations [are available here](#).

In other matters, the Conference:

- Received a report on Judiciary funding from the chair of its Budget Committee, Judge Julia Gibbons. She stated that the Judiciary's short-term budget picture has improved during the past four years due in large part to an aggressive and widespread cost-containment effort in place throughout the Judicial Branch. A multifaceted strategy that touches on virtually every Judiciary program has helped courts avoid projected lay-offs and program cuts. Through cost-containment, the Judiciary reduced future costs for rent, information technology, compensation, magistrate judges, law enforcement activities, law books, probation and pretrial services supervision work, and more. The budget to operate the Judicial Branch is two-tenths of one percent of the entire U.S. budget.
- Advised federal courts nationwide to review their attorney admission procedures, and, if necessary, revise those procedures to ensure that those who seek permission to represent clients have met the necessary bar admission requirements.
- Voted to make the existence of federal court sealed cases more readily apparent by having Internet-based lists of civil and criminal cases in district courts include a case number and generic name, such as Sealed vs. Sealed, for each sealed case.

The Judicial Conference is the policy-making body for the federal court system. The Chief Justice serves as its presiding officer. It is comprised of the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference meets twice a year to consider administrative and policy issues affecting the court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch. The list of Conference members [is available here](#).

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