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TO: ABA Entities and Affiliated Organizations

FROM: William K. Weisenberg
Chair, ABA Standing Committee on Judicial Independence

DATE: October 20, 2010

CC: Standing Committee on Judicial Independence
Judicial Division Council

SUBJECT: Co-sponsorship Request: ABA Enterprise Fund Judicial Disqualification Project
Recommendations and Report

On behalf of the Standing Committee on Judicial Independence (SCJI), I am pleased to present for your consideration recommendations and a report that address one of the most significant issues impacting the public's trust and confidence in a fair, impartial and independent judiciary – the disqualification of a judge when the impartiality of the judge might reasonably be questioned either through specific conduct or the appearance of impropriety. In July, 2010, an updated draft of the recommendations and report was distributed widely for review by ABA entities and outside groups. The Committee held a public forum at the 2010 ABA Annual Meeting on Saturday, August 7, 2010, in order to encourage audience comments and suggestions on the revised proposal. Based upon the comments and suggestions received both at the forum and thereafter, SCJI revised the recommendations and report. They will be submitted to the House of Delegates for consideration at the 2011 Midyear Meeting. SCJI feels strongly that it has met its objective of helping states improve their judicial disqualification practices and procedures by providing to state supreme courts a menu of options to be considered as states move forward with adoption of standards and rules, while promoting public confidence in the state courts.

I am also pleased to report that the ABA Judicial Division has agreed to be a co-sponsor. **We respectfully request your co-sponsorship of our recommendations and report.** Please let us know of your intentions by **Wednesday, November 10, 2010**. If you are unable to provide co-sponsorship by the filing deadline, we would welcome it any time prior to the meeting of the House of Delegates.

Please respond directly to Konstantina Vagenas, ABA Justice Center Associate Director/Chief Counsel, at vagenask@staff.abanet.org.

We thank you for your assistance in this effort and look forward to working with you on matters that enhance support for and respect for a fair, impartial and independent judiciary.