

Judicial Rule 1: Maintaining the Integrity of the Judicial System

JR 1-101

- (A) A judge shall observe high standards of conduct so that the integrity, impartiality and independence of the judiciary are preserved and shall act at all times in a manner that promotes public confidence in the judiciary and the judicial system.
- (B) A judge shall not commit a criminal act.
- (C) A judge shall not engage in conduct that reflects adversely on the judge's character, competence, temperament or fitness to serve as a judge.
- (D) A judge shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- (E) A judge shall not allow family, social or other relationship to influence judicial conduct or judgment.
- (F) A judge shall not use the position to advance the private interests of the judge or any person, nor shall a judge convey or permit anyone to convey the impression that anyone has a special influence with the judge, but a judge may provide a character or ability reference for a person about whom the judge has personal knowledge.
- (G) A judge shall not testify as a character witness except pursuant to subpoena.
- (H) A judge shall not hold membership in any organization that the judge knows is a discriminatory organization. For purposes of this rule, "discriminatory organization" means an organization that, as a policy or practice and contrary to applicable federal or state law, treats persons less favorably in granting membership privileges, allowing participation or providing services on the basis of sex, race, national origin, religion, sexual orientation, marital status, disability or age.

Judicial Rule 2: Impartial and Diligent Performance of Judicial Duties.

JR 2-101

A judge's performance of judicial duties shall take precedence over all other activities, and a judge shall not neglect the business of the court.

JR 2-102

- (A) A judge shall provide to every person who has a legal interest in a proceeding, and to that person's lawyer, the right to be heard according to law.
- (B) A judge shall not communicate or permit or cause another to communicate with a lawyer or party about any matter in an adversary proceeding outside the course of the proceeding, except with the consent of the parties or as expressly authorized by law or permitted by this rule.
- (C) A judge may communicate ex parte when circumstances require for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided that:
- (1) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and
 - (2) the judge makes provision by delegation or otherwise promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.
- (D) Except as provided in subsection (E) of this rule, a judge shall promptly disclose to the parties any communication not otherwise prohibited by this rule that will or reasonably may influence the outcome of any adversary proceeding. The disclosure shall identify the person with whom the communication occurred and the substance of the communication, and the judge shall give the parties a reasonable opportunity to respond to the information disclosed.
- (E) Subsection (D) of this rule does not limit, or require disclosure to a party of, any discussion about legal or administrative matters or other matters in the record related to a case that occur between a judge and any of the

following: another judge of the same level; employees of the court; employees of the judicial branch of government.

JR 2-103

A judge shall not, while a proceeding is pending in any court within the judge's jurisdiction, make any public comment that might reasonably be expected to affect the outcome or impair the fairness of the proceeding. The judge shall require similar abstention on the part of court personnel who are subject to the judge's direction or control. This rule shall not prohibit a judge from making public statements in the course of official duties, from explaining for public information the procedures of the courts, from establishing a defense to a criminal charge or civil claim against the judge or from otherwise responding to allegations concerning the judge's conduct in the proceeding.

JR 2-104

(A) A judge possessing knowledge that another judge or a lawyer has committed a violation of the rules of judicial or professional conduct or law that raises a substantial question as to that individual's honesty, trustworthiness or fitness as a judge or lawyer shall inform the Commission on Judicial Fitness and Disability or the Oregon State Bar Disciplinary Counsel.

(B) A judge possessing knowledge or evidence concerning another judge or lawyer shall reveal that knowledge or evidence on request by a tribunal or other authority empowered to investigate or act upon the conduct.

JR 2-105

A judge shall make any appointment only on the basis of merit.

JR 2-106

(A) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality reasonably may be questioned, including but not limited to instances when

(1) the judge has a bias or prejudice concerning a party or has personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously was associated served during the association as a lawyer in the matter, or the judge or the lawyer has been a material witness in the matter;

(3) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse, parent or child, wherever residing, or any other person residing in the judge's household has a financial interest in the subject matter in controversy, is a party to the proceeding or has any other interest that could be substantially affected by the outcome of the proceeding;

(4) the judge, the judge's spouse, parent or child wherever residing, or any other person residing in the judge's household

(a) is a party to the proceeding, or an officer, director, partner or trustee of a party;

(b) is acting as a lawyer in the proceeding;

(c) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or

(d) is, to the judge's knowledge, likely to be a material witness in the proceeding.

(B) A judge shall be responsible for knowing about the judge's financial interests, including such interests relating to service as a fiduciary, and shall make reasonable efforts to be informed about the financial interests of the judge's spouse, domestic partner, parents and children, wherever residing.

(C) For purposes of this rule

(1) "fiduciary" includes relationships such as personal representative, trustee, conservator and guardian;

(2) “financial interest” means a more than de minimis ownership of a legal or equitable interest, or a relationship as director, advisor or other active participant in the affairs of a party, except that

(a) ownership in a mutual or common investment fund that owns securities is not a “financial interest” unless the judge participates in the management of the fund;

(b) holding an office in an educational, religious, charitable, fraternal or civic organization is not a “financial interest” in property of the organization;

(c) the proprietary interest of a policyholder in a mutual insurance company, a depositor in mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest; and

(d) ownership of government securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(D) A judge who is disqualified under this rule may, rather than withdraw from the proceeding, disclose on the record the basis of the disqualification. If, after such disclosure, the parties all agree in writing or on the record that the judge’s relationship is immaterial or that the judge’s financial interest is insubstantial, the judge may participate in the proceeding. Any writing, signed by or on behalf of all parties, shall be incorporated in the record of the proceeding.

JR 2-107

A judge shall be faithful to the law and shall decide matters on the basis of the facts and applicable law.

JR 2-108

A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

JR 2-109

A judge shall maintain order and decorum in proceedings before the judge.

JR 2-110

(A) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, court personnel and members of the public.

(B) A judge shall not act in a way that the judge knows, or reasonably should know, would be perceived by a reasonable person as biased or prejudiced toward any of the litigants, jurors, witnesses, lawyers or members of the public.

(C) A judge shall require lawyers and court personnel who are subject to the judge’s direction or control to act in accord with the principles embodied in paragraphs (A) and (B) of this rule.

(D) Paragraphs (B) and (C) of this rule do not preclude consideration or advocacy of any issue relevant to the proceeding.

Judicial Rule 3: Extra-Judicial Activities; Minimizing the Risk of Conflict with Judicial Obligations

JR 3-101

A judge shall not serve as an officer, director, trustee or advisor of a private or public corporation or of an educational, religious, charitable, fraternal, political or civic organization if the corporation or organization regularly engages in proceedings that would ordinarily come before the judge or in adversary proceedings in any court in Oregon.