

MAR 11 2022

SENATE RESOLUTION

STRONGLY URGING THE SUPREME COURT OF THE UNITED STATES TO ADOPT
A FORMAL ETHICS CODE FOR THE JUSTICES.

1 WHEREAS, the disclosure of conflicts of interest and
2 potential or perceived conflicts of interests are important to
3 promoting openness, transparency, and trust in our judicial
4 system; and

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6 WHEREAS, in *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868
7 (2009), Justice Kennedy, writing for the court, stated that,
8 "[judicial] codes of conduct serve to maintain the integrity of
9 the judiciary and the rule of law"; and

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11 WHEREAS, the code of conduct for United States judges is a
12 set of ethical principles and guidelines adopted by the Judicial
13 Conference of the United States and includes specific rules
14 about ethics, integrity, and appearances of impropriety relating
15 to outside business and political activities and the acceptance
16 of gifts; and

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18 WHEREAS, the code of conduct applies to federal circuit
19 judges, district judges, court of international trade judges,
20 court of federal claims judges, bankruptcy judges, and
21 magistrate judges; and

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23 WHEREAS, the judicial conference which promulgated the code
24 of conduct does not have the authority to bind the Supreme Court
25 of the United States; and

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27 WHEREAS, the nine justices of the Supreme Court of the
28 United States are not bound by any code of conduct; and

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30 WHEREAS, on February 3, 2022, leading legal ethics scholars
31 sent a letter to Chief Justice Roberts requesting that he draft
32 a formal ethics code for the Supreme Court of the United States;
33 now, therefore,

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35 BE IT RESOLVED by the Senate of the Thirty-first
36 Legislature of the State of Hawaii, Regular Session of 2022,



1 that the Supreme Court of the United States is strongly urged to
2 adopt a code of ethics similar to the code of conduct for United
3 States judges; and

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5 BE IT FURTHER RESOLVED that certified copies of this
6 Resolution be transmitted to the Chief Justice of the Supreme
7 Court of the United States and members of Hawai'i's congressional
8 delegation.

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OFFERED BY: _____

Kal Nihon

