

MAR 10 2023

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# SENATE CONCURRENT 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 interest 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

10  
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 for United States Judges  
19 applies to federal circuit judges, district judges, Court of  
20 International Trade judges, Court of Federal Claims judges,  
21 bankruptcy judges, and magistrate judges; and

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23           WHEREAS, the Judicial Conference of the United States,  
24 which promulgated the Code of Conduct for United States Judges,  
25 does not have the authority to bind the Supreme Court of the  
26 United States; and

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

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31           WHEREAS, on February 3, 2022, leading legal ethics scholars  
32 sent a letter to Chief Justice Roberts requesting that he draft



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1 a formal ethics code for the Supreme Court of the United States;  
2 now, therefore,  
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4 BE IT RESOLVED by the Senate of the Thirty-second  
5 Legislature of the State of Hawaii, Regular Session of 2023, the  
6 House of Representatives concurring, that the Supreme Court of  
7 the United States is strongly urged to adopt a code of ethics  
8 similar to the Code of Conduct for United States Judges; and  
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10 BE IT FURTHER RESOLVED that certified copies of this  
11 Concurrent Resolution be transmitted to the Chief Justice of the  
12 Supreme Court of the United States and members of Hawai'i's  
13 congressional delegation.  
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OFFERED BY: \_\_\_\_\_

*Hal Rhoad*

