

CANON 2, RULE 2.6

A judge shall perform the duties of judicial office impartially, competently, and diligently.

RULE 2.6: ENSURING THE RIGHT TO BE HEARD

- (A) A judge shall accord to every person who has a legal interest in a proceeding or that person's lawyer the right to be heard according to law.*
- (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but a judge shall not act in a manner that coerces any party.

COMMENTS

- [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.
- [2] The judge plays an important role in overseeing the settlement of disputes but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law.
- [3] Judges should be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decisionmaking during trial, and in such instances, the judge should consider whether disqualification may be appropriate. See Rule 2.11(A)(1).