

CANON 2, RULE 2.10

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

RULE 2.10: JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES

- (A) A judge shall not make any public statement about a matter pending* or impending* in any court.
- (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.
- (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).
- (D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of performing official duties or giving scholarly presentations for purposes of legal education, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal capacity.
- (E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

COMMENTS

- [1] This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.
- [2] This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of *mandamus*, the judge must not comment publicly.
- [3] Depending on the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter. The Rule

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does not prohibit a judge from responding to allegations concerning the judge's conduct in a proceeding that is not pending or impending in any court.

- [4] Judges who are active on social media or social networking platforms should understand how their comments in these forums might be considered “public” statements implicating this Rule. Judges should be aware of the nature and efficacy of privacy settings offered by social media or social networking platforms.