

WHAT'S NEXT?
Procedures for ABA Consideration of the Final Report of the Joint Commission to Evaluate the Model Code of Judicial Conduct

The deadline for ABA entities to file Reports with Recommendations for consideration at the Miami Midyear Meeting in February 2007 is close of business November 15, 2006.

The Committee on Rules and Calendar will meet November 30 - December 3, 2006, to review all Reports with Recommendations submitted by the filing deadline, and establish the calendar for the Miami meeting.

Once the Committee on Rules and Calendar distributes the Miami calendar to the members of the House of Delegates, a Report with Recommendations may not be withdrawn from the calendar without agreement by the committee or vote of the House of Delegates. If the committee concurs, the sponsor must tell the House the reasons for withdrawal, but need not also get House approval.

The Committee on Rules and Calendar holds two public hearings the weekend before the House of Delegates convenes, at which time members and entities are asked to advise the committee if they plan to:

- Submit revised language (if they are the sponsor), something that may happen if another entity suggests a change or changes that the sponsor agrees to.
- Move to amend the resolution when it comes to the floor of the House, something that may happen if an entity seeks changes but is unable to work out a revision acceptable to the sponsor.
 - An amendment of more than six words must be submitted in writing, whether in advance to the Committee or live on the House floor.
 - Occasionally, special rules are adopted by the House of Delegates at a meeting requiring that all amendments to a Report with Recommendations be in writing. It is possible such special rules will be adopted for debate on the report of the Joint Commission to Evaluate the Model Code of Judicial Conduct.
- Move to postpone the resolution indefinitely when it comes to the floor of the House. The ABA House of Delegates does not "table" resolutions until a time certain (such as the next meeting). If a resolution is postponed, it must be reintroduced at some later date as a new recommendation or it will not be acted upon.
- Speak in favor of the resolution.
- Speak in opposition to the resolution.
- Request the "privileges of the floor" for substantive experts who would not otherwise be authorized to address the House.
- Request that the recommendation be heard at a time certain, often done on an important issue where expected speakers have time commitment problems.

The recommendation will be debated in the House according to its place on the calendar, either seriatim by report number or at a time certain, as a special order of business.

If adopted as policy, the new Code of Judicial Conduct will be promulgated throughout the states as the ABA's recommended model code. It will only be effective in any particular jurisdiction if and when adopted by the body that has regulatory authority over the judges in that jurisdiction.