

I would admonish rather than reprimand. In all other respects, I agree with the findings and conclusions.

The incident is serious because of its impact on the public's confidence in the judiciary. But the misconduct is an isolated incident occurring over fourteen months ago, which does not appear to have been repeated. In addition, the impact of the First Amendment on the Code of Judicial Conduct is a debatable issue. Clarifying in a written admonition that respondent's activity violated the canons and cautioning against repeating the behavior is thus more appropriate than a reprimand and a corrective course of action under these circumstances. To impose a higher level of discipline focuses on punishment rather than deterrence and serves no useful purpose.


Hon. H. Joseph Coleman