

# Federal Judiciary Ethics Reform Act of 2006 (Introduced in Senate)

S 2202 IS

109th CONGRESS  
2d Session  
**S. 2202**

To provide for ethics reform of the Federal judiciary and to instill greater public confidence in the Federal courts.

## IN THE SENATE OF THE UNITED STATES

**January 26, 2006**

Mr. LEAHY (for himself, Mr. KERRY, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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### A BILL

To provide for ethics reform of the Federal judiciary and to instill greater public confidence in the Federal courts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Judiciary Ethics Reform Act of 2006'.

## SEC. 2. JUDICIAL EDUCATION FUND .

(a) Establishment- Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

### ' Sec. 630. Judicial Education Fund

- ' (a) In this section, the term--
- ' (1) 'institution of higher education' has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));
  - ' (2) 'private judicial seminar'--

` (A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

` (B) does not include--

` (i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education ;

` (ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

` (iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

` (3) `national bar association' means a national organization that is open to general membership to all members of the bar; and

` (4) `State or local bar association' means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

` (b) There is established within the United States Treasury a fund to be known as the `Judicial Education Fund' (in this section referred to as the `Fund' ).

` (c) Amounts in the Fund may be made available for the payment of necessary expenses, including reasonable expenditures for transportation, food, lodging, private judicial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Center. Necessary expenses shall not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the private judicial seminar. Any payment from the Fund shall be approved by the Board.

` (d) The Board may approve a private judicial seminar after submission of information by the sponsor of that private judicial seminar that includes--

` (1) the content of the private judicial seminar (including a list of presenters, topics, and course materials); and

` (2) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

` (e) If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the private judicial seminar available to judges and the public by posting the information on the Internet.

^ (f) The **Judicial** Conference shall promulgate guidelines to ensure that the Board only approves private **judicial** seminars that are conducted in a manner so as to maintain the public's confidence in an unbiased and fair-minded judiciary.

^ (g) There are authorized to be appropriated for deposit in the **Fund** \$2,000,000 for each of fiscal years 2006, 2007, and 2008, to remain available until expended.'

(b) Technical and Conforming Amendment- The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

^ 630. **Judicial Education Fund** .'

### **SEC. 3. PRIVATE **JUDICIAL** SEMINAR GIFTS PROHIBITED.**

(a) Definitions- In this section, the term--

(1) 'institution of higher **education**' has the meaning given under section 101(a) of the Higher **Education** Act of 1965 (20 U.S.C. 1001(a));

(2) 'private **judicial** seminar'--

(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal **education** to judges; and

(B) does not include--

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher **education** ;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher **education** or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

(3) 'national bar association' means a national organization that is open to general membership to all members of the bar; and

(4) 'State or local bar association' means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

(b) In General- Not later than 240 days after the date of enactment of this Act, the **Judicial** Conference of the United States shall promulgate regulations to apply section 7353(a) of title 5, United States Code, to prohibit the solicitation or acceptance of anything of value in connection with a private **judicial** seminar.

- (c) Exception- The prohibition under the regulations promulgated under subsection (b) shall not apply if--
- (1) the judge participates in a private **judicial** seminar as a speaker, panel participant, or otherwise presents information;
  - (2) Federal judges are not the primary audience at the private **judicial** seminar; and
  - (3) the thing of value accepted is--
    - (A) reimbursement from the private **judicial** seminar sponsor of reasonable transportation, food, or lodging expenses on any day on which the judge speaks, participates, or presents information, as applicable;
    - (B) attendance at the private **judicial** seminar on any day on which the judge speaks, participates, or presents information, as applicable; or
    - (C) anything excluded from the definition of a gift under regulations of the **Judicial** Conference of the United States under sections 7351 and 7353 of title 5, United States Code, as in effect on the date of enactment of this Act.

## **SEC. 4. RECUSAL LISTS.**

Section 455 of title 28, United States Code, is amended by adding at the end the following:

- “(g)(1) Each justice, judge, and magistrate of the United States shall maintain a list of all financial interests that would require disqualification under subsection (b)(4).
- “(2) Each list maintained under paragraph (1) shall be made available to the public at the office of the clerk for the court at which a justice, judge, or magistrate is assigned.”.