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SCRU-14-0000891

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment

of the

HAWAII REVISED CODE OF JUDICIAL CONDUCT

ORDER AMENDING THE HAWAII REVISED CODE OF JUDICIAL CONDUCT
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rules 2.3(b), 2.3(c), the Commentary to Rule 3.1, and Rule 3.6(a) of the Hawaii Revised Code of Judicial Conduct are amended, effective July 1, 2017, as follows (new language underscored):

Rule 2.3. BIAS, PREJUDICE, AND HARASSMENT

* * *

(b) A judge shall not, in the performance of the duties of judicial office, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(c) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes, including but not limited to race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

* * *

Rule 3.1. EXTRAJUDICIAL ACTIVITIES IN GENERAL

* * *

COMMENT:

* * *

[3] Discriminatory actions and expressions of bias or prejudice by a judge, even outside the duties of judicial office, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, political affiliation, or personal characteristics. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

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Rule 3.6. AFFILIATION WITH DISCRIMINATORY ORGANIZATIONS

(a) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or personal characteristics.

* * *

DATED: Honolulu, Hawai'i, June 19, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

