

All Judges Said Bound By New Ethics Code

11/3/72

By John P. MacKenzie
Washington Post Staff Writer

Chief Justice Warren E. Burger said yesterday that the American Bar Association's new Code of Judicial Conduct is "applicable to all federal judges."

The code sets new guidelines for off-the-bench activities and forbids some business ventures for newly appointed judges. It calls for disqualification of judges where their impartiality is questionable or in cases in which they own a single share of stock in a party.

In a statement released through the Supreme Court press office, Burger said action is expected by April on whether the ABA standards should be adopted formally by the U.S. Judicial Conference, the administrative policy body for the federal judiciary.

The statement was issued in response to an inquiry to Burger as to why no action had been taken on a proposed ethical code at last week's Judicial Conference meeting.

Stiff rules discouraging moonlighting and requiring detailed financial reports by judges were suspended by the conference in November, 1969, pending the results of an in-

depth ABA study to modernize canons of ethics dating back 50 years. The study was completed in August, when the ABA formally adopted the new ethical standards.

The statement, authorized by Burger and signed by court press officer Bert Whittington, said that pending further conference action, "the ABA standards are applicable to all federal judges just as were the 1923 canons of judicial ethics until they were supplanted in August."

Whittington said the recommendations next spring will come from a committee headed by two federal circuit judges, Elbert P. Tuttle of Atlanta and Edward A. Tamm of Washington. The committee is considering whether the bar association code should be supplemented with special rules for the federal bench.

The ABA was designed to apply to federal and state judges at all levels. Some judges, including Tuttle and Tamm, have contended that stricter provisions should apply to federal judges because they enjoy life tenure and higher salaries than most state and local judges.