

# **SUPREME COURT OF THE UNITED STATES**

## STATEMENT OF THE COURT

### REGARDING THE CODE OF CONDUCT

The undersigned Justices are promulgating this Code of Conduct to set out succinctly and gather in one place the ethics rules and principles that guide the conduct of the Members of the Court. For the most part these rules and principles are not new: The Court has long had the equivalent of common law ethics rules, that is, a body of rules derived from a variety of sources, including statutory provisions, the code that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice. The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules. To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct.

NOVEMBER 13, 2023

CODE OF CONDUCT FOR JUSTICES OF  
THE SUPREME COURT OF THE UNITED STATES

CANON 1: A JUSTICE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF  
THE JUDICIARY.

A Justice of the Supreme Court of the United States should maintain and observe high standards of conduct in order to preserve the integrity and independence of the federal judiciary.

CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF  
IMPROPRIETY IN ALL ACTIVITIES.

A. RESPECT FOR LAW. A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. OUTSIDE INFLUENCE. A Justice should not allow family, social, political, financial, or other relationships to influence official conduct or judgment. A Justice should neither knowingly lend the prestige of the judicial office to advance the private interests of the Justice or others nor knowingly convey or permit others to convey the impression that they are in a special position to influence the Justice. A Justice should not testify voluntarily as a character witness.

C. NONDISCRIMINATORY MEMBERSHIP. A Justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY,  
IMPARTIALLY, AND DILIGENTLY.

A. RESPONSIBILITIES. A Justice should not be swayed by partisan interests, public clamor, or fear of criticism. A Justice should participate in matters assigned, unless disqualified, and should maintain order and decorum in judicial proceedings. A Justice should be patient, dignified, respectful, and courteous to all individuals with whom the Justice deals in an official capacity. A Justice should not engage in behavior that is harassing, abusive, prejudiced, or biased. A Justice should not retaliate against those who report misconduct. A Justice should require similar conduct by those subject to the Justice's control. A Justice should take appropriate action upon receipt of reliable information indicating the likelihood of misconduct by a Court employee. Except as provided by law or Court rule, a Justice should not initiate, permit, or consider *ex parte* communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a Justice receives an unauthorized *ex parte* communication bearing on the substance of the matter, the Justice should promptly notify the parties of the subject matter of the communication and

allow the parties to respond. A Justice should not knowingly make public comment on the merits of a matter pending or impending in any court. The prohibition on public comment on the merits of a matter does not extend to public statements made in the course of the Justice's official duties. For scholarly, informational, or educational purposes, a Justice may describe the issues in a pending or impending case. A Justice should require similar restraint by Court personnel subject to the Justice's control. A Justice should not direct Court personnel to engage in conduct on the Justice's behalf or as the Justice's representative when that conduct would contravene the Canons if undertaken by the Justice.

B. DISQUALIFICATION.

- (1) A Justice is presumed impartial and has an obligation to sit unless disqualified.
- (2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:
  - (a) The Justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - (b) At a prior stage of the proceeding, the Justice represented a party, or a lawyer with whom the Justice previously practiced law served during such association as a lawyer for a party, or the Justice or lawyer has been a material witness in the proceeding;
  - (c) The Justice knows that the Justice, individually or as a fiduciary, or the Justice's spouse or minor child residing in the Justice's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;
  - (d) The Justice or the Justice's spouse, or a person related to either within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to be a party to the proceeding, or an officer, director, or trustee of a party; (ii) to be acting as a lawyer in the proceeding; (iii) to have an interest that could be substantially affected by the outcome of the proceeding; or (iv) likely to be a material witness in the proceeding.

- (e) The Justice has served in government employment and in that capacity participated as a judge (in a previous judicial position), counsel, advisor, or material witness concerning the proceeding or has expressed during prior government or judicial service an opinion concerning the merits of the particular case in controversy.
  - (f) The Justice's spouse or a person related to the Justice or the Justice's spouse within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to have served as lead counsel for a party below; or (ii) to be an equity partner in a law firm that appears before the Court on behalf of a party to the proceeding and the Court has not received written assurance that the income from Supreme Court litigation is permanently excluded from the person's compensation.
- (3) The rule of necessity may override the rule of disqualification.
  - (4) Neither the filing of a brief *amicus curiae* nor the participation of counsel for *amicus curiae* requires a Justice's disqualification.
  - (5) A Justice should keep informed about the Justice's personal and fiduciary financial interests and make a reasonable effort to keep informed about the personal financial interests of the Justice's spouse and minor children residing in the Justice's household.
  - (6) For the purposes of this section:
    - (a) The degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship: parent, child, grandparent, grandchild, great grandparent, great grandchild, sister, brother, aunt, uncle, niece, and nephew; the listed relatives include whole and half blood relatives and most step relatives;
    - (b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;
    - (c) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
      - (i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in

such securities unless the judge participates in the management of the fund;

- (ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a “financial interest” in securities held by the organization;
  - (iii) The proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
  - (iv) Ownership of government securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.
- (d) “proceeding” includes pretrial, trial, appellate review, or other stages of litigation.
- (7) Notwithstanding the preceding provisions of this Canon, if a Justice would be disqualified because of a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the Justice (or the Justice’s spouse or minor child) divests the interest that provides the grounds for disqualification.

CANON 4: A JUSTICE MAY ENGAGE IN EXTRAJUDICIAL ACTIVITIES THAT ARE CONSISTENT WITH THE OBLIGATIONS OF THE JUDICIAL OFFICE.

A Justice may engage in extrajudicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and government activities, and may speak, write, lecture, and teach on both law-related and nonlegal subjects. However, a Justice should not participate in extrajudicial activities that detract from the dignity of the Justice’s office, interfere with the performance of the Justice’s official duties, reflect adversely on the Justice’s impartiality, lead to frequent disqualification, or violate the limitations set forth below.

A. LAW-RELATED ACTIVITIES.

- (1) Speaking, Writing, and Teaching. A Justice may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, or the administration of justice subject to the following limitations and considerations:

- (a) A Justice should not speak at an event sponsored by or associated with a political party or a campaign for political office.
  - (b) A Justice should not speak at or otherwise participate in an event that promotes a commercial product or service, except that a Justice may attend and speak at an event where the Justice's books are available for purchase.
  - (c) A Justice should not speak to or participate in a meeting organized by a group if the Justice knows that the group has a substantial financial interest in the outcome of a case that is before the Court or is likely to come before the Court in the near future.
  - (d) A Justice may attend a "fundraising event" of law-related or other nonprofit organizations, but a Justice should not knowingly be a speaker, a guest of honor, or featured on the program of such event. In general, an event is a "fundraising event" if proceeds from the event exceed its costs or if donations are solicited in connection with the event.
  - (e) In deciding whether to speak or appear before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public. Except in unusual circumstances, no such appearance will be created when a Justice speaks to a group of students or any other group associated with an educational institution, a bar group, a religious group, or a non-partisan scholarly or cultural group.
- (2) Consultation. A Justice may consult with or appear at a public hearing before an executive or legislative body or official: (a) on matters concerning the law, the legal system, or the administration of justice; (b) to the extent it would generally be perceived that a Justice's judicial experience provides special expertise in the area; or (c) when the Justice is acting *pro se* in a matter involving the Justice or the Justice's interest.
- (3) Organizations. A Justice may participate in and serve as a member, officer, director, trustee, or nonlegal advisor of a nonprofit organization devoted to the law, the legal

system, or the administration of justice and may assist such an organization in the management and investment of funds. A Justice may make recommendations to public and private fund-granting agencies about projects and programs concerning the law, the legal system, and the administration of justice.

- (4) Arbitration and Mediation. A Justice should not act as an arbitrator or mediator or otherwise perform judicial functions apart from the Justice's official duties unless authorized by law.
- (5) Practice of Law. A Justice should not practice law and should not serve as a family member's lawyer in any forum. A Justice may, however, act *pro se* and may, without compensation, give legal advice to and draft or review documents for a member of the Justice's family.

B. CIVIC AND CHARITABLE ACTIVITIES. A Justice may participate in and serve as an officer, director, trustee, or nonlegal advisor of a nonprofit civic, charitable, educational, religious, or social organization, subject to the following limitations:

- (1) A Justice should not serve if it is likely that the organization will either be engaged in proceedings that would ordinarily come before the Justice or be regularly engaged in adversary proceedings in any court.
- (2) A Justice should not give investment advice to such an organization but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

C. FUNDRAISING. A Justice may assist nonprofit law-related, civic, charitable, educational, religious, or social organizations in planning fundraising activities and may be listed as an officer, director, or trustee. Use of a Justice's name, position in the organization, and judicial designation on an organization's letter head, including when used for fundraising or soliciting members, is permissible if comparable information and designations are listed for others. Otherwise, a Justice should not personally participate in fundraising activities, solicit funds for any organization, or use or knowingly permit the use of the prestige of judicial office for that purpose. A Justice should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fundraising mechanism.

D. FINANCIAL ACTIVITIES.

- (1) A Justice may hold and manage investments, including real estate and engage in other remunerative activity, but should refrain from financial and business dealings that exploit the judicial position or involve the Justice in frequent transactions or continuing business relationships with lawyers likely to appear before the Court or other persons likely to come before the Court.
- (2) A Justice may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the Justice's family. For this purpose, "members of the Justice's family" means persons related to the Justice or the Justice's spouse within the third degree of relationship as defined in Canon 3B(6)(a), any other relative with whom the Justice or the Justice's spouse maintains a close familial relationship, and the spouse of any of the foregoing.
- (3) A Justice should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Regulations on Gifts now in effect. A Justice should endeavor to prevent any member of the Justice's family residing in the household from soliciting or accepting a gift except to the extent that a Justice would be permitted to do so by the Judicial Conference Gift Regulations. A "member of the Justice's family" means any relative of a Justice by blood, adoption, or marriage, or any person treated by a Justice as a member of the Justice's family.
- (4) A Justice should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the Justice's official duties.

E. FIDUCIARY ACTIVITIES. A Justice may serve as the executor, administrator, trustee, guardian, or other fiduciary only for the estate, trust, or person of a member of the Justice's family as defined in Canon 4D(3). As a family fiduciary a Justice is subject to the following restrictions:

- (1) The Justice should not serve if it is likely that as a fiduciary the Justice would be engaged in proceedings that would ordinarily come before the Justice or if the estate, trust, or

ward becomes involved in adversary proceedings before the Court or in a court under the Court's jurisdiction.

- (2) While acting as a fiduciary, a Justice is subject to the same restrictions on financial activities that apply to a Justice in a personal capacity.

F. GOVERNMENTAL APPOINTMENTS. A Justice may accept appointment to a governmental committee, commission, or other position only if it is one that concerns the law, the legal system, or the administration of justice, or if appointment of a Justice is authorized by federal law. A Justice should not, in any event, accept such an appointment if the Justice's governmental duties would tend to undermine public confidence in the integrity, impartiality, or independence of the judiciary. A Justice may participate in national, state, or local ceremonial occasions or in connection with historical, educational, and cultural activities.

G. CHAMBERS, RESOURCES, AND STAFF. A Justice should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.

H. COMPENSATION, REIMBURSEMENT, FINANCIAL REPORTING. A Justice may accept reasonable compensation and reimbursement of expenses for permitted activities if the source of the payments does not give the appearance of influencing the Justice's official duties or otherwise appear improper. Expense reimbursement should be limited to the actual or reasonably estimated costs of travel, food, and lodging reasonably incurred by the Justice and, where appropriate to the occasion, by the Justice's spouse or relative. For some time, all Justices have agreed to comply with the statute governing financial disclosure, and the undersigned Members of the Court each individually reaffirm that commitment.

CANON 5: A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY.

A Justice should not: (1) act as a leader or hold any office in a political organization; (2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office; or (3) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or attend or purchase a ticket for a dinner or other event sponsored by a political organization or candidate. A Justice should resign the judicial office if he or she becomes a candidate in a primary or general election for any office. A Justice should not engage in other political activity. This provision does not prevent a Justice from engaging in activities described in Canon 4.

The undersigned Members of the Court subscribe to this Code and the accompanying Commentary.

JOHN G. ROBERTS, JR.

CLARENCE THOMAS

SAMUEL A. ALITO, JR.

SONIA SOTOMAYOR

ELENA KAGAN

NEIL M. GORSUCH

BRETT M. KAVANAUGH

AMY CONEY BARRETT

KETANJI BROWN JACKSON

NOVEMBER 13, 2023

## Commentary

This Code of Conduct is substantially derived from the Code of Conduct for U.S. Judges, but adapted to the unique institutional setting of the Supreme Court. In certain instances, the foregoing Canons provide fairly specific guidance. A Justice, for example, “should not testify voluntarily as a character witness.” Canon 2B. A Justice “may serve as the executor . . . only for the estate, trust, or person of a member of the Justice’s family.” Canon 4E. In many cases, however, these Canons are broadly worded general principles informing conduct, rather than specific rules requiring no exercise of judgment or discretion. It is not always clear, for example, whether particular conduct undermines, promotes, or has no effect on “public confidence in the integrity and impartiality of the judiciary,” Canon 2A, or whether a Justice has acted in a “patient, dignified, respectful, and courteous” manner, Canon 3A. This concern is heightened with respect to Canons applicable to Justices of the Supreme Court, given the often sharp disagreement concerning matters of great import that come before the Supreme Court. These Canons must be understood in that light.

This Commentary does not adopt the extensive commentary from the lower court Code, much of which is inapplicable. It instead is tailored to the Supreme Court’s placement at the head of a branch of our tripartite governmental structure.

Canon 3B addresses the inherently judicial function of recusal. The Justices follow the same general principles and statutory standards for recusal as other federal judges, including in the evaluation of motions to recuse made by parties. But the application of those principles can differ due to the effect on the Court’s processes and the administration of justice in the event that one or more Members must withdraw from a case. Lower courts can freely substitute one district or circuit judge for another. The Supreme Court consists of nine Members who sit together. The loss of even one Justice may undermine the “fruitful interchange of minds which is indispensable” to the Court’s decision-making process. See *Dick v. New York Life Ins. Co.*, 359 U.S. 437, 459 (1959) (Frankfurter, J., dissenting). Recusal can have a “distorting effect upon the certiorari process, requiring the petitioner to obtain (under our current practice) four votes out of eight instead of four out of nine.” S. Ct. Stmt. of Recusal Policy (Nov. 1, 1993). When hearing a case on the merits, the loss of one Justice is “effectively the same as casting a vote against the petitioner. The petitioner needs five votes to overturn the judgment below, and it makes no difference whether the needed fifth vote is missing because it has been cast for the other side, or because it has not been cast at all.” *Cheney v. United States Dist. Court for D.C.*, 541 U.S. 913, 916 (2004) (memorandum of Scalia, J.). And the absence of one Justice risks the affirmance of a lower court decision by an evenly divided Court—potentially preventing the Court from providing a uniform national rule of decision on an important issue. See

*Microsoft Corp. v. United States*, 530 U.S. 1301, 1303 (2000) (statement of Rehnquist, C.J.). In short, much can be lost when even one Justice does not participate in a particular case.

This Canon's recusal provisions thus differ from those in the lower court Code in that they: restate the Justices' 1993 Statement of Recusal Policy; recognize the duty to sit and that the time-honored rule of necessity may override the rule of disqualification, see *United States v. Will*, 449 U.S. 200, 217 (1980) (28 U.S.C. § 455 does not alter the rule of necessity); ABA Model Code of Judicial Conduct Rule 2.11 cmt. 3 ("The rule of necessity may override the rule of disqualification."); and omit the remittal procedure of lower court Code Canon 3D. Canon 3B(2)(d) retains language from the lower court Code relating to known interests of third-degree relatives that might be substantially affected by the outcome of a proceeding. Because of the broad scope of the cases that come before the Supreme Court and the nationwide impact of its decisions, this provision should be construed narrowly. For example, a Justice who has school-age nieces and nephews need not recuse from a case involving student loans even though the disposition of that case could substantially affect the terms on which the Justice's relatives would finance their higher education.

The Canon's recusal provisions depend on the Justice's knowledge of certain relationships or interests. The Court receives approximately 5,000 to 6,000 petitions for writs of certiorari each year. Roughly 97 percent of this number may be and are denied at a preliminary stage, without joint discussion among the Justices, as lacking any reasonable prospect of certiorari review. Recusal issues must be considered in light of this reality. In view of the Canon's knowledge requirement and the large volume of cases docketed, the Justices rely on the disclosure statements required under the Court's rules in identifying interested parties that may present grounds for recusal. Individual Justices, rather than the Court, decide recusal issues. See *Cheney v. United States Dist. Court for D.C.*, 540 U.S. 1217 (2004) ("In accordance with its historic practice, the Court refers the motion to recuse in this case to Justice Scalia."). Recusals are noted in the Court's decisions, both at the certiorari and merits stages.

In contrast to the lower courts, where filing of *amicus* briefs is limited, the Supreme Court receives up to a thousand *amicus* filings each Term. In some recent instances, more than 100 *amicus* briefs have been filed in a single case. The Court has adopted a permissive approach to *amicus* filings, having recently modified its rules to dispense with the prior requirement that *amici* either obtain the consent of all parties or file a motion seeking leave to submit an *amicus* brief. In light of the Court's permissive *amicus* practice, *amici* and their counsel will not be a basis for an individual Justice to recuse. The courts of appeals follow a similar approach to ameliorating any risk that an *amicus* filing could precipitate a recusal. Federal Rule of Appellate Procedure 29(a)(2)

states that “a court of appeals may prohibit the filing of or may strike an amicus brief that would result in a judge’s disqualification.”

Canon 4 reflects the principle that Justices, like all judges, are encouraged to engage in extrajudicial activities as long as independence and impartiality are not compromised. Justices are uniquely qualified to engage in judicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. Justices are also encouraged to engage in educational, religious, charitable, fraternal, or civic extracurricular activities not conducted for profit, even when those activities do not relate to the law. Participation in both law-related and other judicial activities helps integrate Justices into their communities and furthers public understanding of and respect for the judicial system.

Canon 4G clarifies that a Justice “should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.” This provision recognizes the distinctive security concerns that the Justices face as high-profile public figures and allows the Justices to accept comprehensive security protection. See 40 U.S.C. § 6121(a)(2)(A) (authorizing the Supreme Court Police to protect the Justices when they are not performing official duties). It also allows Court officials and chambers staff to perform their official duties in enhancing security and providing legal, ethics, and other appropriate assistance to the Justices in light of the high public interest in the Justices’ activities and the acute security concerns that are distinct from such concerns for lower court judges. And, consistent with historic practice, chambers personnel including law clerks may assist Justices with speeches, law review articles, and other activities described in Canon 4.

Canon 4D(3) and 4H articulate the practice formalized in 1991 of individual Justices following the financial disclosure requirements and limitations on gifts, outside earned income, outside employment, and honoraria. Justices file the same annual financial disclosure reports as other federal judges. Those reports disclose, among other things, the Justices’ non-governmental income, investments, gifts, and reimbursements from third parties. For purposes of sound judicial administration, the Justices file those reports through the Judicial Conference Committee on Financial Disclosure.

In regard to the financial disclosure requirements relating to teaching and outside earned income, a Justice may not accept compensation for an appearance or a speech, but may be paid for “teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering.” 2C Guide to Judicial Policy § 1020.35(b) (2010). Associate Justices must receive prior approval from the Chief Justice to receive

compensation for teaching; the Chief Justice must receive prior approval from the Court. See S. Ct. Resolution ¶ 3 (Jan. 18, 1991). Justices may not have outside earned income—including income from teaching—in excess of an annual cap established by statute and regulation. Compensation for writing a book is not subject to the cap.

Like lower court judges, Justices engage in extrajudicial activities other than teaching, including speaking, writing, and lecturing on both law-related and non-legal subjects. In fact, the lower court canons encourage public engagement by judicial officers to avoid isolation from the society in which they live and to contribute to the public’s understanding of the law. In deciding whether to speak before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public.

In addition to this Code of Conduct, the Justices also comply with:

- The Constitution of the United States, see, *e.g.*, U.S. Const. Art. I, § 9, cl. 8 (foreign emoluments clause); Amdt. 5 (due process clause).
- Current laws relating to judicial ethics including, but not limited to 28 U.S.C. §§ 455, 2109; the Ethics in Government Act, 5 U.S.C. §§ 13101 – 13111, 13141 – 13145; the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342; Pub. L. 110-402, § 2(b), 122 Stat. 4255; and the Stop Trading on Congressional Knowledge Act of 2012, Pub. L. 112-105, §§ 12, 17, 126 Stat. 303; and
- Current Judicial Conference Regulations on: Gifts; Foreign Gifts and Decorations; Outside Earned Income, Honoraria, and Employment; and Financial Disclosure.

See, *e.g.*, S. Ct. Statement on Ethics Principles and Practices (Apr. 25, 2023). The Justices may also take guidance from their colleagues, judicial decisions, the Supreme Court’s Office of Legal Counsel, the Judicial Conference Committees on Codes of Conduct and Financial Disclosure, lower court judges, executive and legislative branch practice and guidance, state judicial ethics authorities, and from scholars, scholarly treatises, and articles. The Justices also continue to look to the Court’s own past resolutions and opinions for guidance. The Court provides mandatory training on judicial ethics principles to all Court employees.

In urging the judiciary to promulgate and adopt what became the lower court Code, Justice Tom C. Clark observed shortly after his retirement from the Supreme Court that judges “must bear the primary responsibility for requiring [appropriate] judicial behavior.” Hearings on Nonjudicial Activities of Supreme Court Justices and Other Federal Judges before the Subcommittee

on Separation of Powers of the Senate Committee on the Judiciary, 91st Cong., 1st Sess., 174 (1969). The same is true for Justices. To assist the Justices in complying with these Canons, the Chief Justice has directed Court officers to undertake an examination of best practices, drawing in part on the experience of other federal and state courts. For example, some district courts and courts of appeals have deployed software to run automated recusal checks on new case filings. The Court will assess whether it needs additional resources in its Clerk's Office or Office of Legal Counsel to perform initial and ongoing review of recusal and other ethics issues. The Court will also consider whether amendments to its rules on the disclosure obligations of parties and counsel may be advisable. In regard to financial disclosure, the Justices will continue to seek guidance from the Office of Legal Counsel and the staff of the relevant Judicial Conference committees, including the Committee on Financial Disclosure, which reviews each Justice's annual filing for compliance with applicable laws and regulations. The Office of Legal Counsel will maintain specific guidance tailored to recurring ethics and financial disclosure issues and will continue to provide annual training on those issues to Justices, chambers staff, and other Court personnel.