

1 **RULE 2.3**

2 ***Bias, Prejudice, and Harassment*, and Abusive Conduct****

3 **(A) A judge shall perform the duties of judicial office, including**
4 **administrative duties, without bias or prejudice.**

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

13 **(C) A judge shall take reasonable measures to require lawyers in**
14 **proceedings before the court to refrain from manifesting bias or**
15 **prejudice, or engaging in harassment, based upon attributes**
16 **including but not limited to race, sex, gender, religion, national origin,**
17 **ethnicity, disability, age, sexual orientation, marital status,**
18 **socioeconomic status, or political affiliation, against parties,**
19 **witnesses, lawyers, or others.**

20 **(D) The restrictions of paragraphs (B) and (C) do not preclude**
21 **judges or lawyers from making legitimate reference to the listed**
22 **factors, or similar factors, when they are relevant to an issue in a**
23 **proceeding.**

24 **(E) A judge shall not engage in abusive conduct*.**

25 **COMMENT**

26 [1] A judge who manifests bias or prejudice in a proceeding impairs the
27 fairness of the proceeding and brings the judiciary into disrepute.

28 [2] Examples of manifestations of bias or prejudice include but are not
29 limited to epithets; slurs; demeaning nicknames; stereotyping; attempted
30 humor based upon stereotypes; threatening, intimidating, or hostile acts;
31 suggestions of connections between race, ethnicity, or nationality and
32 crime; and irrelevant references to personal characteristics. Even facial
33 expressions and body language can convey to parties and lawyers in the
34 proceeding, jurors, the media, and others an appearance of bias or

35 prejudice. A judge must avoid conduct that may reasonably be perceived
36 as prejudiced or biased.

37 [3] Examples of sexual harassment include but are not limited to sexual
38 advances, requests for sexual favors, and other verbal or physical conduct
39 of a sexual nature that is unwelcome.