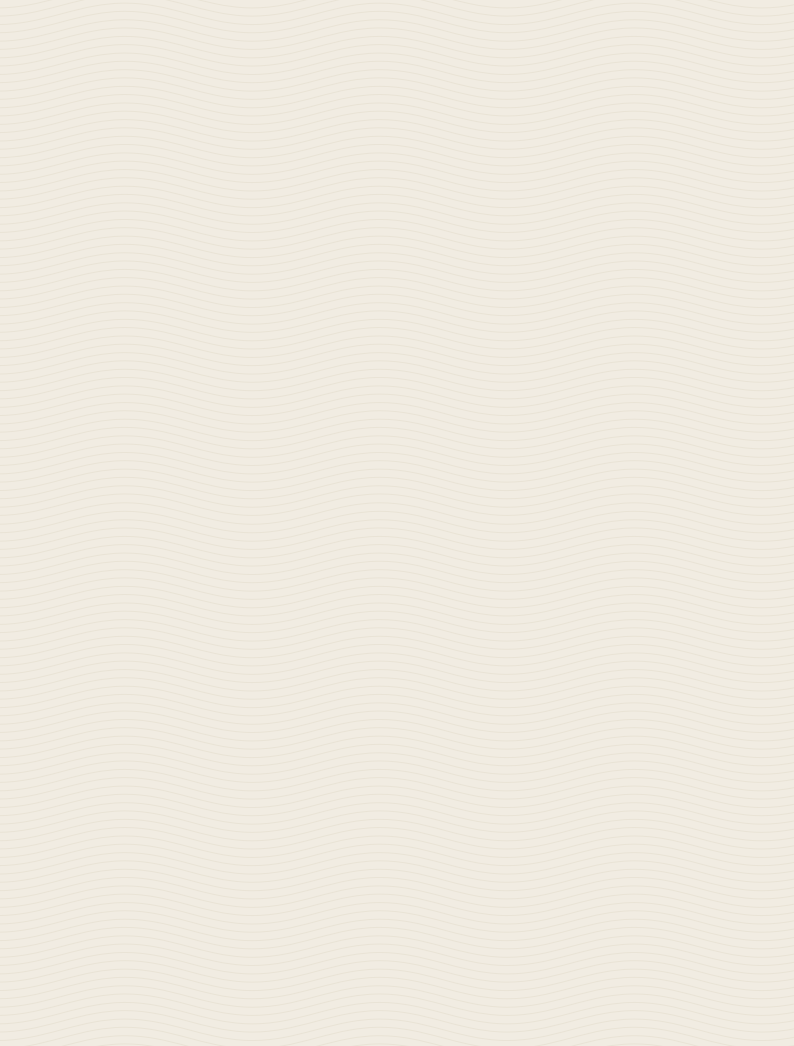


CASE STUDY 1

UNIVERSITY BOARD

(SCENARIO)

Since graduation you have maintained close links with your old university of which you are deeply fond. You have been invited to join its governing body. The letter of invitation makes particular reference to your “judicial knowledge and your authority in the local community”. The position is unpaid but will take a lot of your time. There has been much criticism of the university in the press over recent months, in particular regarding the huge salary of its President, the controversial courses it is running, and the lack of an ethnic mix amongst its undergraduates. The Registrar is currently on suspension following reports of financial irregularities. Should you accept the invitation?



CASE STUDY 1

UNIVERSITY BOARD

(SCENARIO AND RELEVANT PRINCIPLES)

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PRINCIPLE 4.6: A judge ... is entitled to freedom of expression, belief, association and assembly.

PRINCIPLE 4.11.4: A judge may engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

PRINCIPLE 6.1: The judicial duties of a judge take precedence over all other activities.

Relevant paragraphs of the Commentary

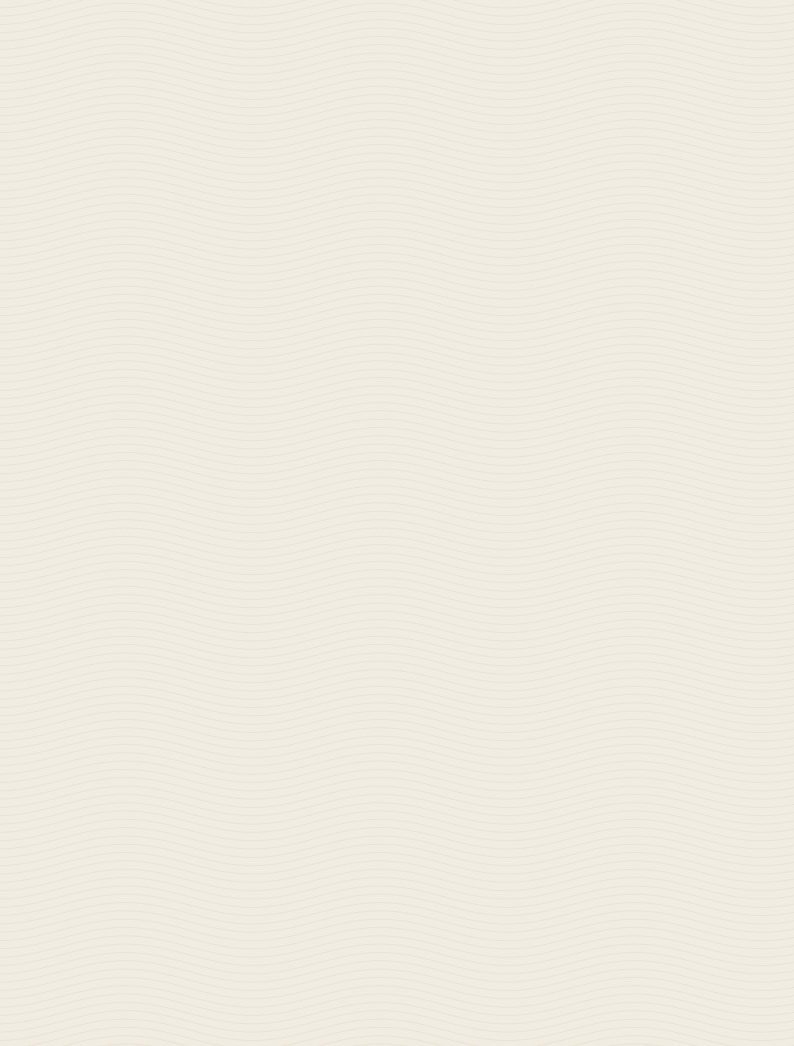
- 134:** Judges enjoys rights in common with other citizens
- 136:** Judges should not be involved in public controversies
- 137:** Criticism of the judge by others
- 167:** Membership in a non-profit making organization
- 195:** A judge's primary obligation is to the court

CASE STUDY 2

TRIAL OF GOVERNMENT OFFICIAL

(SCENARIO)

You are the appointed judge in the trial of a government official who is charged with accepting bribes in exchange for granting a lucrative contract to a well-known local building firm. Your brother-in-law is an architect who receives frequent remunerative work from this firm, though this is not generally known. The week before the case begins the senior judge in your courthouse informs you that he has reallocated the case to himself, without explanation. His wife works in the same government department as the defendant. What should you do?



CASE STUDY 2

TRIAL OF GOVERNMENT OFFICIAL

[SCENARIO AND RELEVANT PRINCIPLES]

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PRINCIPLE 1.2: A judge must be independent in relation to the particular parties to a dispute which the judge has to adjudicate.

PRINCIPLE 2.5: A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially.

PRINCIPLE 3: Integrity is essential to the proper discharge of the judicial office.

PRINCIPLE 4.4: A judge shall not participate in the determination of a case in which any member of the judge's family ... is associated in any manner with the case.

PRINCIPLE 4.8: A judge shall not allow the judge's family, social or other relationships improperly to influence the judge's judicial conduct as a judge.

Relevant paragraphs of the Commentary

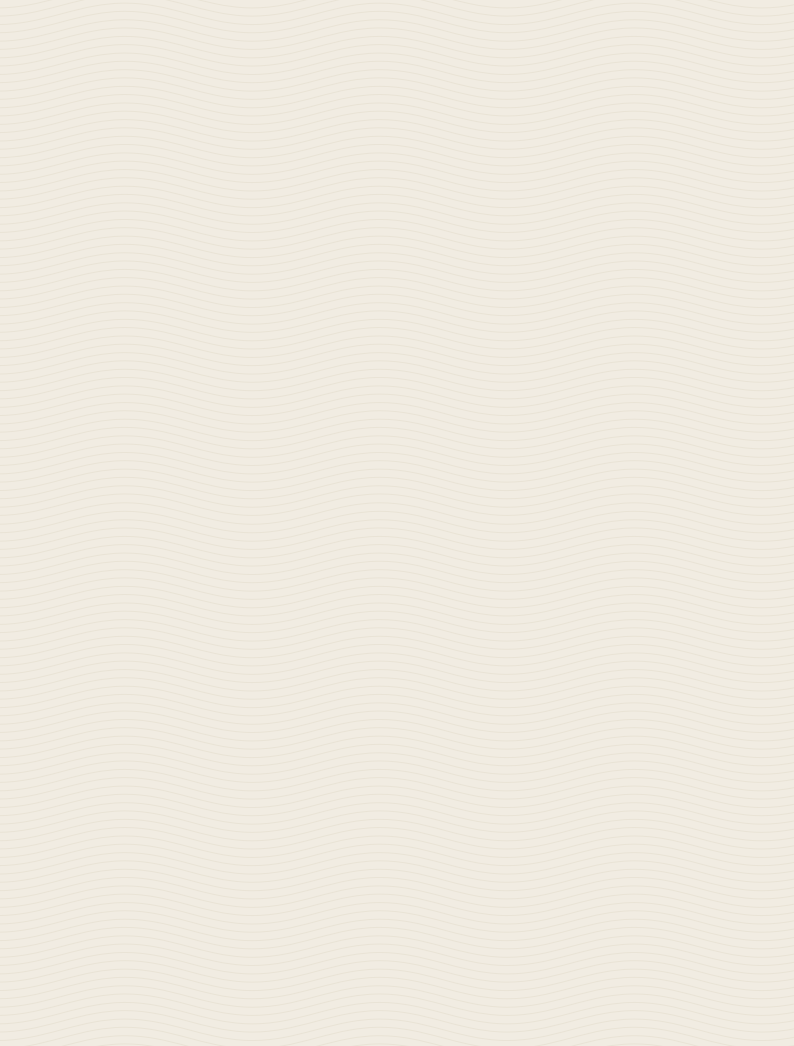
- 25:** Judges not beholden to the government of the day
- 37:** Public perception of judicial independence
- 40:** The hierarchical organization of the judiciary is irrelevant
- 90:** Friendship, animosity and other relevant grounds for disqualification
- 110:** Justice must be seen to be done
- 130:** If the family member is employed in a legal department of government
- 143:** Duty to avoid being improperly influenced

CASE STUDY 3

MESSAGE PARLOUR

(SCENARIO)

When on a trip abroad to a country where paying for sexual services is legal, Judge A visits a massage parlour. He is recognized on leaving the establishment and his photograph ends up in his local paper with the caption “How our Judges Relax!” He is a very efficient popular judge with a reputation for integrity and fairness. The local press calls for his dismissal or resignation. What should happen?



CASE STUDY 3

MESSAGE PARLOUR

(SCENARIO AND RELEVANT PRINCIPLES)

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PRINCIPLE 3.1: A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.

PRINCIPLE 4: Propriety, and the appearance of propriety, are essential to the performance of all the activities of a judge.

PRINCIPLE 4.2: As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself in a way that is consistent with the dignity of the judicial office.

Relevant paragraphs of the Commentary

- 76:** Relations with the media
- 103:** High standards are required in both public and private life
- 109:** The personal conduct of a judge affects the judicial system as a whole

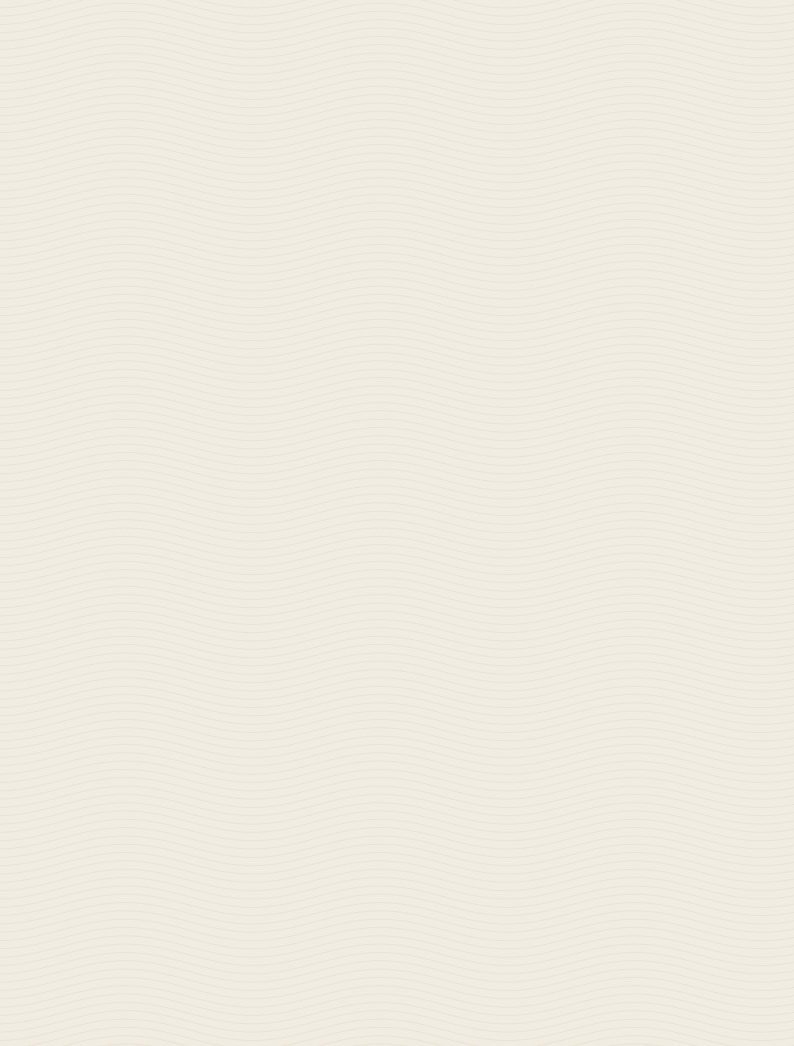
- 111:** How might this look in the eyes of the public?
- 112:** The test for impropriety
- 115:** Requirement of an exemplary life
- 116:** Visits to public venues such as bars
- 118:** Frequenting clubs

CASE STUDY 4

ABORTION JUDGE

(SCENARIO)

Before becoming a judge, you were an elected politician with a reputation for your radical views on abortion. You have been allocated the trial of a case in which a doctor is charged with carrying out illegal abortions, which he denies. Should you hear the case?



CASE STUDY 4

ABORTION JUDGE

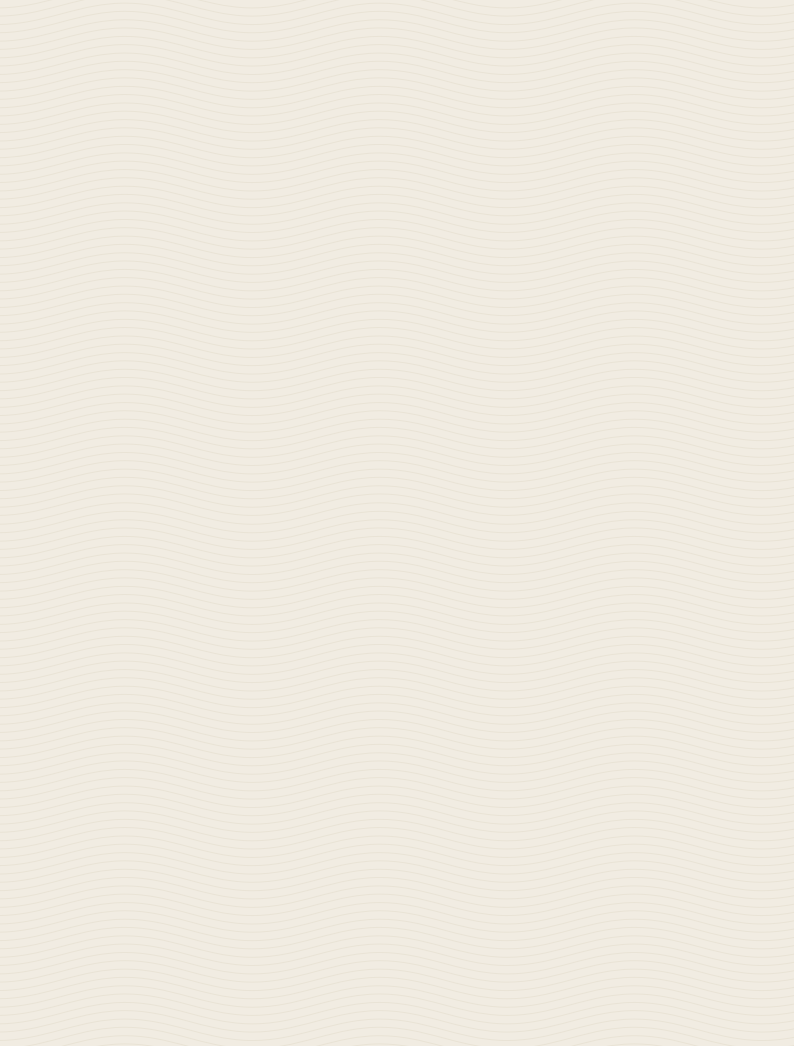
(SCENARIO AND RELEVANT PRINCIPLES)

Before becoming a judge, you were an elected politician with a reputation for your radical views on abortion. You have been allocated the trial of a case in which a doctor is charged with carrying out illegal abortions, which he denies. Should you hear the case?

PRINCIPLE 2: Impartiality is essential to the proper discharge of the judicial office.

Relevant paragraphs of the Commentary

- 28:** A judge must act irrespective of popular acclaim or criticism
- 43:** Attempts to undermine judicial independence should be resisted
- 52:** Perception of impartiality
- 55:** A perception of impartiality erodes public confidence
- 60:** What may not constitute bias or prejudice: opinion should be distinguished from bias.
- 81 et seq.:** Reasonable apprehension of bias
- 88:** Previous political affiliations may not be ground for disqualification



CASE STUDY 5

JUDGE MCKENZIE

(SCENARIO)

Judge McKenzie is 48 years old. He is a married man with two teenage children. He is looking forward to participating in a conference on international regulatory law on a Caribbean Island. He has been asked to give a paper on the state of law in his country on the conference topic. The conference will be attended by judges and lawyers from across the world. His economy air fare is paid for by his court as are the fares of the two people accompanying him, a junior judge in his court, and his female clerk. He will receive a cash per diem from the conference organizers in the local currency upon arrival, to cover the cost of his hotel accommodation and meals during the conference. The following sequence of events occurs:

- Upon check-in, he is allocated a seat with his two colleagues at the rear of the plane. He later returns to the check-in desk stating that he has a bad back (not true) and also, he is a judge. He is subsequently upgraded to Business Class. He does not inform his colleagues.
- Armed with his Business Class ticket he goes to the VIP lounge and enjoys a free meal, and drinks. On leaving, he takes a couple of small miniatures of alcohol, as he sees others doing so, despite notices stating they are not to be taken from the lounge.

- Upon arrival at the destination airport, Judge McKenzie heads for the VIP exit on the basis that he is a judge travelling in Business Class. He waves to his two colleagues, lost in a long immigration queue.
- Upon exiting the airport, he bumps into an old friend, an attractive widowed judge who lives locally. She immediately invites him and his colleagues to dinner with her at her villa. He accepts, but declines on behalf of his colleagues, without consulting them, claiming they will be “too tired”.
- At the end of a happy evening, his friend suggests he stays in her villa with her for the duration of the conference, in the guest suite. He willingly accepts.
- Upon arrival at the conference the next day, he claims his per diem expenses for the conference “to cover all meals and accommodation.”
- During the day he telephones his wife and children telling them that his hotel accommodation is “fantastic”.
- On Day 2 of the conference, feeling a little guilty towards his colleagues, he treats them to dinner in an expensive local restaurant.
- Before returning home, the Judge buys his host a sumptuous bouquet of flowers as a “thank you” gesture. He also leaves a generous donation to her favourite charity “Donkeys in Distress”.
- Judge McKenzie does not deliver a paper at the conference stating that he unfortunately left it in his office back home. He had not written any paper. He does however take copious notes at the conference with the intention of briefing his judicial colleagues on his return.

CASE STUDY 5

JUDGE MCKENZIE

(SCENARIO AND ANSWERS)

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(Issues that are likely to be in breach of the Bangalore Principles are underlined in red; those that are likely to be in compliance are highlighted in **bold**).

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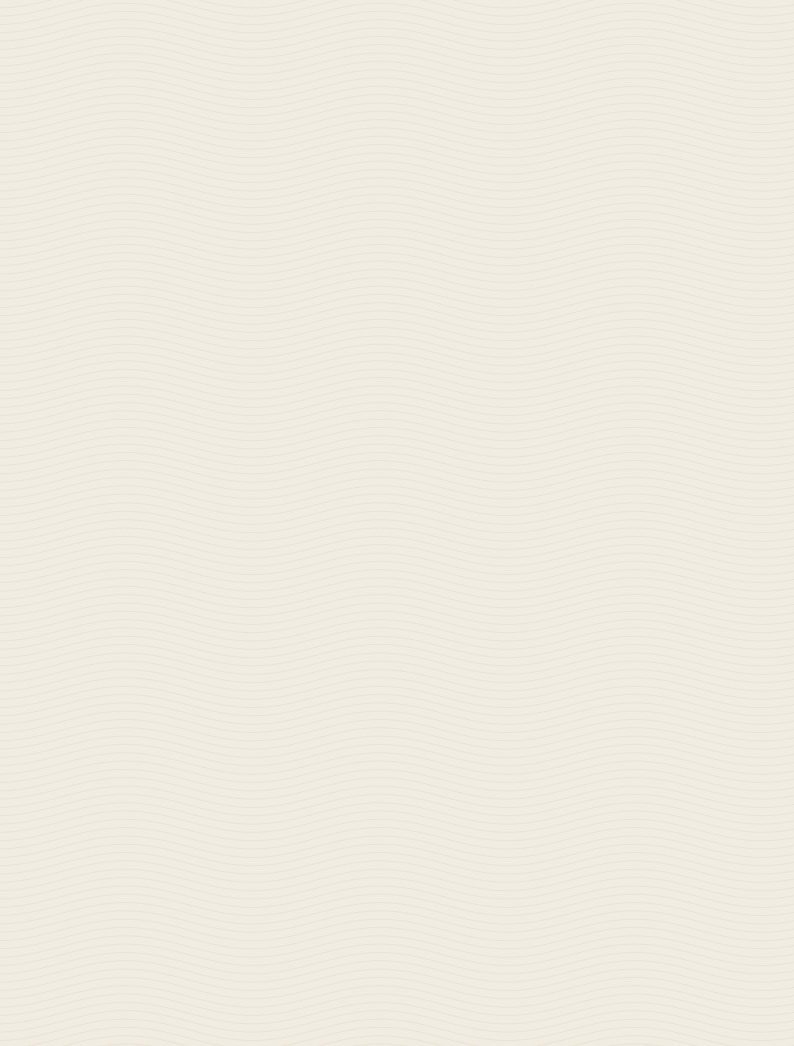
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- Upon arrival at the conference the next day, he claims his per diem expenses for the conference “to cover all meals and accommodation.” (This behaviour could either be underlined or in **bold**).
- During the day he telephones his wife and children telling them that his hotel accommodation is “fantastic”.
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CASE STUDY 6

THE VENERABLE JUDGE

(SCENARIO)

Judge K is venerable, charming and much loved. He is the second most senior judge in your courthouse. He is also very slow, and his cases take on average twice as long to complete as those of his colleagues (because, he says, he is “thorough”). He likes women, and often comments on their appearance when they attend as witnesses or counsel in his court. He has always ensured that if at all possible he has a female clerk to assist in the running of his court, as he says “women are more reliable and hardworking than men”. One of his favourite sayings over lunch with fellow judges in the courthouse is “cherchez la femme!”, but it is not usually clear in what context! Since you joined as the youngest female judge in the courthouse, he has been keen that you sit next to him when you attend such lunches, so he can “show you the ropes”. Most of the other young judges are male and he does not seem to have the same need to show them any “ropes”. You are unhappy and feel compromised. What should you do?



CASE STUDY 6

THE VENERABLE JUDGE

(SCENARIO AND RELEVANT PRINCIPLES)

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PRINCIPLE 5: Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

PRINCIPLE 6: Competence and Diligence are prerequisites to the due performance of judicial office.

PRINCIPLE 6.5: A judge shall perform all judicial duties, including the delivery of reserved judgements.

Relevant paragraphs of the Commentary

- 42:** Due consideration of a case takes precedence over productivity
- 55:** A perception of impartiality erodes public confidence
- 184:** Judge must avoid stereotyping
- 185:** Gender discrimination
- 207:** Duty to dispose of matters with reasonable promptness