

1 **RULE 3.6 Affiliation with Discriminatory Organizations**
2

3 (A) A judge shall not hold membership in any organization that practices invidious
4 discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual
5 orientation.
6

7 (B) A judge shall not use the benefits or facilities of an organization if the judge
8 *knows* or should know that the organization practices invidious discrimination on one or more of
9 the bases identified in division (A) of this rule. A judge’s attendance at an event in a facility of
10 an organization that the judge is not permitted to join is not a violation of this rule when the
11 judge’s attendance is an isolated event that could not reasonably be perceived as an endorsement
12 of the organization’s practices.
13

14
15 **Comment**
16

17 [1] A judge’s public manifestation of approval of invidious discrimination on any
18 basis gives rise to the appearance of impropriety and diminishes public confidence in the
19 integrity and impartiality of the judiciary. A judge’s membership in an organization that
20 practices invidious discrimination creates the perception that the judge’s impartiality is impaired.
21

22 [2] An organization is generally said to discriminate invidiously if it arbitrarily
23 excludes from membership on the basis of race, sex, gender, religion, national origin, ethnicity,
24 or sexual orientation persons who would otherwise be eligible for admission. Whether an
25 organization practices invidious discrimination is a complex question to which judges should be
26 attentive. The answer cannot be determined from a mere examination of an organization’s
27 current membership rolls, but rather, depends upon how the organization selects members, as
28 well as other relevant factors, such as whether the organization is dedicated to the preservation of
29 religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is
30 an intimate, purely private organization whose membership limitations could not constitutionally
31 be prohibited.
32

33 [3] When a judge learns that an organization to which the judge belongs engages in
34 invidious discrimination, the judge must resign immediately from the organization.
35

36 [4] A judge’s membership in a religious organization as a lawful exercise of the
37 freedom of religion is not a violation of this rule.
38

39 [5] This rule does not apply to national or state military service.
40
41

42 **Comparison to Ohio Code of Judicial Conduct**
43

44 Rule 3.6(A) is substantially the same as Ohio Canon 4(B). Rule 3.6(A) adds to the list of
45 organizations to which a judge may not belong any organizations that discriminate on the basis
46 of sex, ethnicity, or sexual orientation.

47
48
49
50
51
52

There is no Ohio Canon comparable to Rule 3.6(B).

Comparison to ABA Model Code of Judicial Conduct

Rule 3.6 is identical to Model Rule 3.6.