Justice and Ethical Dilemmas

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The legal and justice system in the United States of America follows certain rules and regulations, and all the persons working in it or who are a part of it have to follow these rules and regulations. No matter on what position a person is working in the judicial system, or how much powerful seat an individual is holding, these laws and legislations are equal for everyone, and no one is exempt from them. These laws are binding and are listed in the Code of Judicial Conduct.

The case in question discusses a city court magistrate who indulges in various sort of questionable activities and whether it is ethically and legally correct for him to indulge in these activities. The following details will look into the reasons one by one that does it ethically suit him to carry on all such activities, for a person holding a seat like him.

**Borrowing money from court employees**

Although it is not illegal for a magistrate to borrow money from court employees, it is highly unethical. The court employees would be bound to give him the requested money fearing to lose their job as the court magistrate is at a dominant position and can terminate your employment at any time. The employees would always feel compelled to hand over the amount of money as they will feel under pressure that they will have to face the loss of job or retribution in case of refusal.

**Publicly endorsing and campaigning for a candidate for judicial office**

A magistrate or judge cannot publically endorse and campaign for a candidate who is fighting the elections for the seat of judicial office. It is both unethical and illegal for a city court magistrate to publically endorse or oppose an individual who is fighting for a judicial position. However, a magistrate may support or disapprove of a candidate running for a political campaign.

**Conducting personal business from the court chambers**

A magistrate or judge or any employee of the judicial system is strictly banned to use the public property for his or her own use no matter what seat he or she is holding. In this case, the magistrate is found involved in conducting his personal business from the other court chambers which are considered as public property, and the conduction of personal business, in this case, is illegal and unethical.

**Directing other business court employees to perform personal errands for him during court hours**

Rule 3.1(E) of the 2007 model code of judicial conduct made explicit the prohibition on a judge using “court premises, staff, stationery, equipment, or other resources,” for extra-judicial activates, “except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.” (Shaman, 2000)

**Shutting court down early to prevent the defendant from filing pleadings in an ongoing case**

Along with being highly unethical, it is also illegal to shut down the courtroom before time in order to avoid listening to the defendant’s appeal or to prevent the defendant from filing pleadings before the magistrate against an ongoing case in the court.

**Taking kickbacks from private juvenile detention facilities for locking more juveniles upon questionable charges**

It is a severe criminal offense, and the magistrate or the judge can face severe legal consequences for it. Not only a magistrate, every employee working in any capacity of a public office, is strictly prohibited by law to accept kickbacks or any sort of bribery from any individual or organization to provide the verdict of their choice (Soeharno, 2016). It can result in the loss of job along with sentence in jail or fine or both.

**Banning one of the defense attorneys in a case from speaking during the trial**

As per the law, it is the duty of the magistrate or judge to listen to the arguments presented by both the sides of the courtroom and then provide the final verdict. If a judge fails or refuses to do some he or she may have to face serious consequences. On the other hand, it is the ultimate right of the defense attorney to speak before the court and present his arguments in defense of his client, and if he or she is stopped from practicing this right, he or she can claim it in court.

**Jailing an entire courtroom because a cellphone went off during a proceeding, and no one came forward to accept responsibility**

Jailing courtroom as a whole for just a little offense like turning off of a mobile device does not sound right. Although it is not illegal and the magistrate has to right to do so, but it seems a little illogical to punish so severely for a small offense, which can be let go of or can be penalized with a small amount of fine.

**Suggesting to persons appearing before him to contribute to specific charities instead of paying fines**

Under the model code(Canon 4C(3)/Rule 3.7(A)(6)), a judge may serve as an officer, director, trustee, or non-legal advisor for any religious or charitable organization, cause or event and can directly or indirectly collect charity and raise funds for the said cause or organization (Alfini, 2018).

**Using court employees to perform translating services for his mother's daycare business**

As mentioned above, a magistrate or judge is strictly prohibited to use court employees for his personal errands or business. The act of making a public or court employee to perform translation services for his mother's daycare business counts in as a private job and hi not allowed as per the law, and it is an unethical practice.

**References**

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