



348 4th Ave., 1007, Brooklyn, N.Y. 11215

William R. Bay
Thompson Coburn LLP
505 N. 7th St.
St. Louis, MO 63101

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Dear President Bay:

For several years, Fix the Court (a national nonpartisan organization advocating for greater transparency and accountability in the judiciary) has been researching ways to improve public trust in the U.S. Supreme Court, lower federal courts and top state courts. One strategy we believe is critical to achieving success in this endeavor is to reduce the discrepancies in judicial financial disclosure reporting across the country.

Earlier this year, Fix the Court conducted a [review](#) of the annual disclosures that judges and justices file in all 50 states, and the results were alarming. Though some states, such as Arkansas and California, require their jurists to submit very detailed reports that are then posted online, other states, including your very own Missouri, require researchers to show up in person or otherwise to jump through logistical hoops to obtain them, with all too many omitting critical information like real estate holdings, debts and spousal income. Idaho and Utah don't even require its judges and justices to file annual disclosures.


As such, we request today that the American Bar Association and its Standing Committee on Ethics and Professional Responsibility call on states to require their jurists to file more detailed disclosures and for every state's judicial disclosure reports to be posted online within a month of the filing deadline.


We are aware that most states have incorporated significant portions of Rules 3.13 and 3.15 of the Model Code of Judicial Conduct that recommend judicial disclosure. But critical gaps persist, even as it's become undoubtedly clear the role disclosures can and do play in ensuring judges act above board. Concerningly, 10 states do not require reporting of gifts, 11 don't require inclusion of judges' investments, 16 don't require spousal income to be listed, and in 19 states, judges can omit any mention of their debts.

Disclosure reform is not an impossible task. Since Fix the Court released its nationwide review, the Michigan courts have [proposed](#) adding numerous categories of information to their jurists' disclosures, including spousal income, outside positions, debts greater than \$10,000, stocks valued at more than \$10,000, property valued at more than \$50,000 and additional details on gifts they've received. We believe that if the ABA took an express interest in improving disclosure requirements, more states would follow.

Finally, Fix the Court has noticed wide discrepancies in the extent to which states require continuing education for their judges and justices. (Only one state, Hawaii, requires that its jurists both attend annual trainings and affirm under penalty on their disclosures that they've completed the required number of hours.) At a time when there's rightly a national focus on judicial ethics, we believe all states should require its jurists to attend annual trainings on topics like financial disclosure, gift acceptance and workplace conduct. This would be similar to ABA-affiliated attorneys being required to complete a certain number of CLE hours and many other workers in the private and public sectors having annual training requirements. We thank the ABA for its attention to these matters.

Kind regards,


Gabe Roth
Executive Director
Fix the Court


Manny Marotta
Law Clerk
Fix the Court