

Supreme Court of the United States  
Washington, D. C. 20543

THE LEGAL OFFICE

November 7, 2022

The Honorable Sheldon Whitehouse  
United States Senate  
Washington, D.C. 20510

The Honorable Henry C. Johnson, Jr.  
United States House of Representatives  
Washington, D.C. 20510

Dear Chairman Whitehouse and Chairman Johnson:

Thank you for your letter of September 7, 2022. Because your letter addresses the Court's ethics policies and practices, the Chief Justice has asked me to respond.

I understand the policy questions raised by your letter to be whether the Court should adopt a separate code of conduct and whether the financial disclosure requirements in place for the federal judiciary are adequate. Both of these points were addressed in my July 12, 2021 letter to Senators Whitehouse and Graham.

First, the Justices rely on the Code of Conduct for United States Judges in evaluating ethics issues. As the Chief Justice explained in his 2011 Year-End Report on the Federal Judiciary, the Justices view the code of conduct as "a current and uniform source of guidance designed with specific reference to the needs and obligations of the federal judiciary." And as your recent letter notes, this code prohibits outside activities that reflect adversely on the judge's impartiality, and allows judges to receive reimbursement for extrajudicial activities only if the source of payment does not give the appearance of impropriety. The Justices also comply with the Judicial Conference Gift Regulations, which provide that, with limited exceptions, judges may not accept anything of value from a person seeking official action from or doing business with the judge's court, or whose interests may be substantially affected by the performance of the judge's official duties.

Second, the Justices follow the same financial disclosure rules that are applicable to other federal judges. The Judicial Conference and its Committee on Financial Disclosure set those

rules, based upon their evaluation of the governing statutes and policies that are relevant to the judiciary. It also bears noting that, consistent with the recently enacted Courthouse Ethics and Transparency Act, the Justices' required financial disclosures and securities transaction reports will now be available in a searchable online public database.

Thank you again for your letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'E. Torrey', with a long horizontal flourish extending to the right.

Ethan V. Torrey  
Legal Counsel