

**From:** [Gary Spraker](#)  
**To:** [AO Code and Conduct Rules](#)  
**Cc:** [REDACTED]  
**Subject:** Comments related to Rules for Judicial Conduct and Judicial Disability Proceedings  
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Comments related to:

Rules for Judicial Conduct and Judicial Disability Proceedings

Comment submitted by:

Hon. Gary Spraker  
Chair, Conference of Chief Bankruptcy Judges for the Ninth Circuit  
U.S. Bankruptcy Court  
Anchorage, Alaska

This comment is submitted on behalf of the chief bankruptcy judges within the Ninth Circuit.

Comments related to

Article II(4)(A)(6) – Failure to Report or Disclose.

Under Article I, section 1(b), the Rules govern judges of the United States bankruptcy courts. However, the subsection related to failure to report or disclose requires reporting of misconduct to only the chief judges of the district and circuit courts. Bankruptcy courts are distinct from district courts with separate management structures. In light of the separate nature of the bankruptcy courts, disclosure of misconduct that occurs in the bankruptcy courts should be reported to relevant chief bankruptcy judges. By requiring such misconduct to be reported to chief district judges would deprive the bankruptcy courts of the opportunity to address the misconduct.

On behalf of the chief bankruptcy judges for the Ninth Circuit, I propose the text of Article II, section 4(a)(6) and the corresponding commentary be modified to include bankruptcy chief judges as underlined in blue below:

(6) Failure to Report or Disclose. Cognizable misconduct includes failing to call to the attention of **the relevant chief district or bankruptcy judge and chief circuit judge** information reasonably likely to constitute judicial misconduct or disability. A judge who receives such information shall respect a request for confidentiality but shall **disclose the information to the chief district or bankruptcy**

**judge and chief circuit judge**, who shall also treat the information as confidential. Some information will be protected from disclosure by statute or rule. A judge's promise of confidentiality may necessarily yield when there is information of misconduct that is serious or egregious and thus threatens the integrity and proper functioning of the judiciary. This duty to report is included within every judge's obligation to assist in addressing allegations of misconduct or disability and to take appropriate corrective action as necessary.

If you have questions about this comment, please don't hesitate to contact me.

Sincerely,

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