



NAME OF EVENT: Supreme but Not Immune: Creating a Binding Code of Ethics for Supreme Court Justices

DATE | TIME | LOCATION: May 2nd, 2022 | 12:30–1:30 PM | Online

BRIEF DESCRIPTION:

The U.S. Supreme Court is in the midst of a legitimacy crisis. Recent revelations regarding Ginni Thomas’s political activities and how they relate to cases that have or might come before her husband, Justice Clarence Thomas, have drawn renewed attention to the lack of a binding code of ethics for Supreme Court justices. Already bruised and battered by the controversial confirmations of Justices Gorsuch, Kavanaugh, and Barrett and a series of decisions that appear more political than jurisprudential, the perception that each justice decides for themselves what is and isn’t ethical further weakens the Court’s reputation and legitimacy before a skeptical country.

Join ACS for a discussion of the approaches the judiciary and Congress might pursue to create an effective, binding code of ethics for Supreme Court justices and the ways in which such a move could begin to restore legitimacy and trust in an impartial Supreme Court.

SPEAKERS’ NAMES AND BIOS:

- **Introduction: Russ Feingold**, President, American Constitution Society
- **Veronica Root Martinez**, Professor of Law, Robert & Marion Short Scholar, Director, Program on Ethics, Compliance & Inclusion, University of Notre Dame Law School
- **Louis J Virelli III**, Professor of Law, Stetson University College of Law

AGENDA OF PROGRAM:

- Introduction (5 mins)
- Moderated Discussion (45 mins)
- Q&A (10 min)

READING MATERIALS:

Broken Law Episode 46: [What Did Justice Thomas Know, and When Did He Know it?](#) AM. CONST. SOC. (Apr. 19, 2022).

Jane Mayer, *[Legal Scholars are Shocked By Ginni Thomas’s “Stop the Steal” Texts](#)*, NEW YORKER (Mar. 25, 2022).

Veronica Root Martinez, *[Avoiding Judicial Discipline](#)*, 115 NW. U. L. REV. 953 (2020).

Veronica Root Martinez, *[Combating Silence in the Profession](#)*, 105 VA. L. REV. 805 (2019).



Louis J. Virelli III, [*Congress, the Constitution, and Supreme Court Recusal*](#), 69 WASH. & LEE L. REV. 1535 (2012).

Louis J. Virelli III, [*The \(Un\)Constitutionality of Supreme Court Recusal Standards*](#), 2011 WI. L. REV. 1181 (2011).

Bob Woodward & Robert Costa, [*Virginia Thomas Urged White House Chief to Pursue Unrelenting Efforts to Overturn the 2020 Election, Texts Show*](#), WASH. POST (Mar. 24, 2022).