

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE
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June 25, 1986

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DETERMINATION AND UNDERTAKING

Re: The Honorable Joseph M. Hannon
Associate Judge of the Superior
Court of the District of Columbia

The Commission has received a complaint concerning Judge Joseph M. Hannon's participation on January 22, 1986, in a public demonstration the purpose of which was to protest a decision of the United States Supreme Court and Judge Hannon's subsequent participation as presiding judge in a criminal trial which arose out of the demonstration.

The Commission has investigated this matter, met with Judge Hannon, discussed the facts with him, and heard his reasons and explanations for his conduct.

The Commission has determined that the intent and fair import of Judge Hannon's conduct were to express disapproval of the law which he and all other judicial officers are sworn to uphold and the conduct is of a sort which erodes public confidence in the judiciary. The Commission concludes, therefore, that Judge Hannon's conduct was violative of Canon 2A of the Code of Judicial Conduct as adopted by the Joint Committee on Judicial Administration of the District of Columbia Courts.

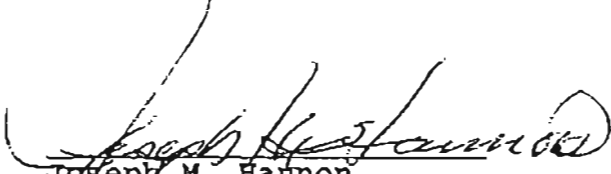
Since a judge must expect to be the subject of constant public scrutiny, the Commission is unanimously of the view that he or she must accept restrictions on his conduct which might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

Although the Commission can make no determination as to whether, as a matter of law, Judge Hannon was required to disqualify himself from the subsequent trial proceedings, the Commission is of the view that the better course would have been such disqualification, as Judge Hannon himself ultimately recognized, lest his conduct create an appearance of prejudgment or partiality, however unfounded.

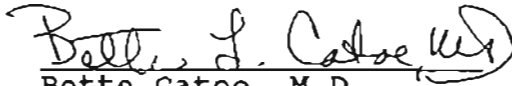
Judge Hannon accepts the Commission's several determinations, conclusions and observations expressed above, recognizes that his conduct in this instance contravened the applicable provision of the Code of Judicial Conduct and hereby undertakes to avoid any such actions in the future and to conform his conduct to the standards prescribed by the Code.

In view of the foregoing and of Judge Hannon's record of integrity and exemplary judicial service on behalf of the United States and the people of the District of Columbia over some fourteen years, the Commission has concluded that no charges or sanctions are warranted.

The Commission makes this document public with the agreement of Judge Hannon.


Joseph M. Hannon
Associate Judge
Superior Court of the
District of Columbia

For the Commission:


Bette Catoe, M.D.
Chairperson