

Judicial Conduct Advisory Opinions

1997

Alabama Advisory Opinion 96-611

A judge is not disqualified from a civil case in which the plaintiff is a former law partner of an attorney who represents the judge's brother-in-law in an unrelated case even if the plaintiff retains a financial interest in the brother-in-law's case, provided the plaintiff did not provide any substantial legal services in connection with the judge's brother-in-law's case.

Alabama Advisory Opinion 96-612

A municipal judge is not disqualified from a bond forfeiture case in which the bondsman is a candidate for the city council that appoints the judge.

Alabama Advisory Opinion 96-613

A judge is not disqualified from a domestic relations case in which the plaintiff/husband and the judge attended the Air Force Academy at different times, the plaintiff/husband's parents lived next door to the judge for a period that the judge cannot recall, the plaintiff/husband's parents contributed \$30 to the judge's campaign in 1988, and the defendant/wife's attorneys contributed \$200 that same year.

Alabama Advisory Opinion 96-614

A part-time municipal judge is disqualified from a criminal proceeding against a circuit judge where the municipal judge appears as an attorney before the circuit judge in three or four cases a year.

Alabama Advisory Opinion 96-615

Except when testifying as a character witness, a judge may testify in a legal proceeding without an official subpoena, but it is generally the better practice for a judge not to give testimony unless officially summoned to do so.

Alabama Advisory Opinion 96-616

A judge is disqualified from cases in which a party is represented by an attorney who represents the judge in unrelated litigation including cases in which the judge has been sued in the judge's official capacity. The judge is not disqualified from cases in which other members of the attorney's firm appear, although unusual circumstances may make such disqualification applicable to the entire firm. Disqualification is ordinarily not required if the attorney who represents the judge withdraws and allows another attorney in the firm who does not represent the judge to handle the case. A judge may not continue a case that is not urgent until the unrelated litigation in which the judge is represented by an attorney for one of the parties is resolved and then resume the hearing. In ministerial rather than judicial matters and in uncontested judicial proceedings in which a chief clerk of probate is statutorily authorized to act in the judge's name and where the probate judge will take no actual action, a probate judge need not disqualify or prevent his/her chief clerk from acting if the judge is disqualified because he or she is represented in an unrelated case by an attorney for one of the parties. These disqualifications are not subject to remittal.

Alabama Advisory Opinion 96-617

A judge is not disqualified from a case by the fact that the judge previously owned stock in a corporate party.

Alabama Advisory Opinion 96-618

A judge may write a letter to the state bar association at an attorney's request in response to a complaint filed against the attorney regarding the attorney's representation in a case, but the judge should not testify without official summons.

Alabama Advisory Opinion 96-619

A judge may write to public librarians and boards of education in the state requesting them to purchase a children's book written by the judge as long as the judge does not use the judge's title or office or otherwise exploit the judicial position; merely using the judge's name in the letter would not constitute such exploitation.

Alabama Advisory Opinion 96-620

A judge is disqualified from a case involving a provision of a will on which the judge gave a legal opinion while an attorney. Neither the presiding judge nor the other judge in the circuit are disqualified because they signed an order confirming the appointment of trustees for a trust where a counterclaim alleges that the trustees made improper distributions of trust funds. A judge is not disqualified by the fact that the official court reporter for the other circuit judge is the mother-in-law of one of the plaintiff/counter-defendants.

Alabama Advisory Opinion 96-621

A judge is not disqualified from cases involving a hospital at which the judge's parent and sibling have staff privileges or for which the judge's relatives serve as members of a non-profit corporation that elects the hospital's board of trustees so long as the relatives' only fiduciary responsibility is to vote in the election of members of the hospital's board.

Alabama Advisory Opinion 96-622

A judge who is a witness in litigation involving a prenuptial agreement for which the judge represented one of the parties is not disqualified from unrelated cases handled by members of the law firm that represents the other party in the litigation.

Alabama Advisory Opinion 96-623

A judge is not disqualified from litigation in which an associate of a party's attorney is representing that party in an unrelated suit brought by the judge's adult child in another county where the judge has no direct involvement in the case.

Alabama Advisory Opinion 96-624

Reversed in Alabama Advisory Opinion 96-630.

Alabama Advisory Opinion 96-625

A judge may serve as a director for a non-profit corporation that will operate a juvenile correction wilderness boot camp type facility as long as the judge will not be making referrals to the facility in

the ordinary course of the judge's judicial duties.

Alabama Advisory Opinion 96-626

A judge is not disqualified from a proceeding for modification of custody where one of the parties had asked the judge to represent him or her in the original divorce proceeding where the judge declined because a member of the judge's law firm represented the party's spouse's employer.

Alabama Advisory Opinion 96-627 (reconsidering and affirming opinion 96-621)

A judge is not disqualified from cases involving a hospital at which the judge's parent and sibling have staff privileges and serve as members of the non-profit corporation that elects the hospital's board of trustees unless the judge's relative is named as a party, is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding, is likely to be a material witness in the proceeding, or has been personally involved in the matter in controversy.

Alabama Advisory Opinion 96-628

A judge is disqualified from a case in which the judge's son-in-law represents a party, including representation of minors or incompetents, but that disqualification may be remitted. A judge is not disqualified from cases in which one of the parties is represented by a member of a law firm in which the judge's son-in-law is also a member. However, the judge may be disqualified in such a case where: 1) the judge's impartiality might reasonably be questioned, 2) the judge has knowledge that his son-in-law has an interest which could be substantially affected by the outcome of the proceedings, or 3) the judge has a personal bias or prejudice concerning a party for any reason including the fact that a party is represented by the son-in-law's law firm.

Alabama Advisory Opinion 96-629

A judge is not disqualified from a case in which the plaintiff's attorney has filed a suit alleging violations of state law in the selection and retention of contract counsel to represent indigent defendants in criminal cases and the judge is named as one of the defendants in the judge's official capacity as presiding judge of the circuit.

Alabama Advisory Opinion 96-630

A judge may serve as chair of the board of a non-governmental program that provides counseling to wayward youths and their families and to which the judge regularly refers juveniles as a condition of probation where the judge would not be engaged in fund raising or the day-to-day operation of the program, will not have supervisory authority over the staff providing the counseling, and would only be involved in presiding over meetings and in broad areas such as planning and general program direction, and no other facility provides such services.

Alabama Advisory Opinion 97-631

A retired circuit judge who has been appointed to serve as an associate justice of a special Alabama Supreme Court to hear a certain case in which the plaintiff title insurance company claims that the defendant improperly failed to correctly certify title to certain property is disqualified where one of the partners in the law firm where the retired judge practices "of counsel" is an agent of the plaintiff for the issuance of policies of title insurance; the retired judge has personally performed a

title search for a commitment issued by that partner as agent for the plaintiff; and the retired judge has been authorized to sign binders, policies, and any needed endorsements on behalf of the plaintiff company for the last six months.

Alabama Advisory Opinion 97-632

A circuit judge married to a municipal judge who is also a full-time employee of the city is disqualified on trial de novo of any municipal case in which the judge's spouse participated as a judge in any aspect of the proceeding but the circuit judge is not disqualified merely because generally established municipal court procedures or guidelines were followed. A judge is not automatically disqualified from cases in which the city that employs the judge's spouse is a party.

Alabama Advisory Opinion 97-633

A judge needs not disclose that he or she has a loan with a bank that is a plaintiff in a proceeding if the defendant has failed to answer the complaint, and the judge may proceed to enter a default judgment.

Alabama Advisory Opinion 97-634

A judge is disqualified from cases brought by the municipality for which the judge's child is a council member.

Alabama Advisory Opinion 97-635

A judge should not accept an appointment as the chair of a state department of human resources panel that evaluates child fatality cases.

Alabama Advisory Opinion 97-636

A judge is not disqualified from a post-conviction proceeding in which the petitioner alleges that the judge stated during the original trial that the petitioner was guilty where the allegation is part of a pattern of such allegations and is false and the judge maintains no personal bias or prejudice against the petitioner.

Alabama Advisory Opinion 97-637

A judge is disqualified from proceedings in which a party is represented by the judge's spouse's second cousin.

Alabama Advisory Opinion 97-638

A judge is not disqualified from cases involving the legislature in which the judge's confidential judicial assistant's spouse serves. If the spouse is a party to the litigation, the judge is not disqualified if the confidential judicial assistant takes no part in the proceedings and does not discuss any aspect of the proceedings with the judge.

Alabama Advisory Opinion 97-639

A judge is not disqualified from a proceeding on the basis of the judge's prior knowledge of facts learned while presiding in earlier hearings in the proceeding.

Alabama Advisory Opinion 97-640

A judge is disqualified from proceedings in which a party is represented by an attorney who rents office space from the judge or the judge's sibling and the judge knows that the rental payments could be substantially affected by the outcome of the proceeding. Once the reason for a judge's disqualification ceases to exist, the judge is no longer disqualified.

Alabama Advisory Opinion 97-641

No action is necessary regarding cases that have already been concluded but from which the judge should have disqualified because a party was represented by an attorney who rents office space from the judge or the judge's sibling.

Alabama Advisory Opinion 97-642

A judge may serve as a paid consultant for an in-state project, unrelated to the law, if the project will not interfere with the performance of judicial duties.

Alabama Advisory Opinion 97-643

A judge is not disqualified from cases in which a party is represented by an attorney who previously represented a corporation in which the judge's spouse was a stockholder/director if that attorney and that attorney's firm have withdrawn from representing the corporation.

Alabama Advisory Opinion 97-644

A judge may not file an amicus brief in a federal court action concerning matters related to the disposition of cases before the judge.

Alabama Advisory Opinion 97-645

A judge is not disqualified from hearing a post-conviction petition in a capital case tried by a judge to whom the sitting judge made a campaign contribution eight years before.

Alabama Advisory Opinion 97-646

A judge must recuse himself from a case involving a suspect in a still unsolved shotgun attack on the judge's house.

Alabama Advisory Opinion 97-647

A judge is not disqualified from a case in which the principal defendant belongs to the same professional organization as the judge's brother and father.

Alabama Advisory Opinion 97-648

A judge is not disqualified from a case in which a party is represented by an attorney whose child practices another profession in an entity with the judge's sibling and parent where that entity is not a party to the case.

Alabama Advisory Opinion 97-649

A trial judge should not explain the rationale for a sentence imposed in a criminal case to a critic of that sentence even if the time for an appeal has run and the judge is willing to recuse from any post-conviction petition brought by the defendant.

Alabama Advisory Opinion 97-650

A full-time judge is prohibited from serving as a mediator in an action not before the judge even if the parties agreed and the service would be without compensation.

Alabama Advisory Opinion 97-651

A judge may not reject cases properly assigned by a presiding judge. A judge's heavy workload may be considered in mitigation of a charge of failure to dispose of cases promptly but will not constitute a complete defense.

Alabama Advisory Opinion 97-652

A judge is not disqualified merely because a party is represented by a member of a law firm of which the judge's cousin's spouse is a partner absent a personal bias, but the judge should disclose the relationship.

Alabama Advisory Opinion 97-653

A judge is disqualified from cases in which a party is represented by the judge's sister-in-law but is not disqualified if a party is represented by a member of the sister-in-law's law firm, absent a personal bias, but the judge should disclose the relationship.

Alabama Advisory Opinion 97-654

A judge is not disqualified from a case in which the judge's first cousin entered an appearance for a party but withdrew before significant proceedings had occurred, although the cousin's law firm remains in the case.

Alabama Advisory Opinion 97-655

A judge is not disqualified from a case in which a litigant filed a complaint against the judge with the Judicial Inquiry Commission unless the judge becomes personally biased or prejudiced.

Alabama Advisory Opinion 97-656

A judge is not disqualified from a case after filing a complaint with the state bar against an attorney-litigant unless the judge is personally biased or prejudiced.

Alabama Advisory Opinion 97-657

Even though not per se improper, a judge should not foster a friendship with a lawyer-friend who was convicted in federal court.

Alabama Advisory Opinion 97-658

A judge is disqualified from sitting in a bench trial involving a party that the judge represented for twelve years in cases involving similar claims even though two years have passed since the

judge last represented the party. No set time period can be identified for the duration of any disqualification based on prior representation, but two years is recommended in bench cases.

Alabama Advisory Opinion 97-659

A judge may receive a portion of a contingency fee award earned but not paid before the judge was sworn in provided the basis for the calculation of the judge's portion was established before the judge was sworn in. If the judge's portion or the contingency fee award was established but not distributed before the judge was sworn in, the judge is not disqualified from hearing cases involving the judge's former firm.

Alabama Advisory Opinion 97-660

A judge is disqualified from cases in which a party is represented by an attorney who rents law office space from the judge.

Alabama Advisory Opinion 97-661

A judge may not appoint as guardian ad litem an attorney who is related within the fourth degree by blood or marriage to the judge nor may the judge accept a remittal of disqualification.

Alabama Advisory Opinion 97-662

A judge is disqualified from a case in which the judge's brother-in-law works as an in-house attorney with the parent corporation of a corporate party.

Alabama Advisory Opinion 97-663

A judge may not serve as a member of the board of directors of an amusement and public park authority.

Alabama Advisory Opinion 97-664

A judge is disqualified from a criminal case prosecuted by a nephew, although the disqualification is subject to remittal

Alabama Advisory Opinion 97-665

A judge is not disqualified from a case in which a party is represented by a law firm that employs the judge's daughter or son-in-law as an associate if the relative does not participate in the case.

Alabama Advisory Opinion 97-666

A judge is disqualified from a criminal case in which the defendant's aunt is the wife of the judge's wife's first cousin.

Alabama Advisory Opinion 97-667

A judge may submit an article concerning the judicial process for publication in a local trade association's magazine and may appear with the association president on the cover of the issue containing the article.

Alabama Advisory Opinion 97-668

An appellate judge is not disqualified from cases involving the district attorney and trial judge who are married to the appellate judge's law clerk and senior staff attorney, but the judge must take care that the law clerk and senior staff attorney do not work, directly or indirectly, on any case involving their spouses. Because the senior staff attorney's spouse is the chief district attorney with supervisory authority over all cases in the office, the limitation applies to all cases arising out of the circuit.

Alabama Advisory Opinion 97-669

A judge is not disqualified from divorce proceeding in which one of the litigants is the child of the circuit clerk.

Alabama Advisory Opinion 97-670

An academic chair may be named in honor of a sitting judge, but the judge is prohibited from participating in fund-raising to endow the chair.

Alabama Advisory Opinion 97-671

A retired circuit judge who sits as a part-time judge may be employed as a consultant to the county commission with regard to jail issues, but the judge must take care not to handle cases in which he or she gains factual information from the consulting work.

Alabama Advisory Opinion 97-672

A circuit judge who tries criminal cases may make a recommendation based on merit as to specific attorneys to serve as contract counsel representing indigent defendants in the circuit court.

Alabama Advisory Opinion 97-673

A judge may serve on a bank's board of directors where the position is purely advisory and does not include decision making in the day-to-day operation of the bank and may receive nominal remuneration for such service. The judge should be ever mindful that he does not lend the prestige of this office to advance the private interests of others and that such service does not convey the impression that the bank or other members of the board are in a special position to influence him. The judge is disqualified, subject to remittal, in any proceedings involving the bank.

Alabama Advisory Opinion 97-674

A judge is not disqualified from cases in which one of the parties is represented by an attorney who has told the judge that he or she will be a candidate in opposition to the judge in the next election.

Alabama Advisory Opinion 97-675

Judges are discouraged from participating in fund-raising activities for charitable or religious institutions.

Alabama Advisory Opinion 97-676

Members of the Court of the Judiciary are not prohibited from soliciting funds for candidates nor from making contributions to other candidates or political parties.

Alabama Advisory Opinion 97-677

A judge is not disqualified from a criminal case in which the defendant's aunt is the wife of the judge's wife's first cousin.

Alaska Advisory Opinion 97-1

A judge may write a letter to the Judicial Council concerning the qualities and abilities of an applicant for a judicial position without prior solicitation by the Council and may permit the Council to forward the letter to the governor as long as the letter addresses those qualities about which the judge has direct knowledge and that relate to the criteria used by the Council in evaluating applicants. A judge should not send an unsolicited letter to the governor.

Alaska Advisory Opinion 97-2

A judge may contribute to charitable organization such as domestic violence groups that are also involved in political activity if the organizations are primarily engaged in non-political charitable activities.

Arizona Advisory Opinion 96-10

A judge may serve on the board of directors of the Arizona Historical Society, which is created by statute.

Arizona Advisory Opinion 96-11

A judicial candidate may not respond to a questionnaire from a political interest group that seeks the candidate's opinions on issues such as abortion and child care programs.

Arizona Advisory Opinion 96-12

A judicial candidate may not publicize the endorsement of a county sheriff.

Arizona Advisory Opinion 96-13

A judge may pass a collection basket while serving as an usher during a church service.

Arizona Advisory Opinion 96-14

A judge is not disqualified from a case after an unhappy litigant sues the judge concerning the judge's handling of the case. A judge is not automatically disqualified because a court employee is a party, but the judge should assess the closeness of his or her relationship with the employee to determine if disqualification is required.

Arizona Advisory Opinion 96-15

A limited reserve police officer may serve as a volunteer hearing officer in small claims cases but not in traffic cases.

Arizona Advisory Opinion 96-16

A judge may not assign the collection of fines to court employees whose performance ratings are tied to the amount of payments collected regardless of a defendant's ability to pay.

Arizona Advisory Opinion 96-17

A judge may serve on the board of directors of a non-profit corporation that provides mental health services under a contract with the court on which the judge sits if the judge could be effectively insulated from the contracting process. A court administrator may serve on the board of directors of a non-profit corporation that provides mental health services under a contract with the court for which the court administrator works if the administrator could be effectively insulated from the contracting process. The spouse of a judge or court administrator may serve on the board of directors or be employed by a corporation that provides mental health services under a contract with the court.

Arkansas Advisory Opinion 96-09

After selection for the bench, an attorney may continue to practice law and be compensated by a law firm pursuant to a partnership or employment agreement for work performed prior to taking the bench. Prior to his or her time of departure, the attorney and the firm should calculate the value of the share or the fee to be paid to the new judge. Judges should not be paid for work done by other members of the firm after the judge has left. The attorney and the firm should evaluate what compensation the departing attorney should receive for pending contingency fee matters as of the time of departure based on the likelihood of success, the likely recovery, and the amount of work already performed. The payment to the departing attorney may be in a lump sum or in installment payments that end at the earliest practicable date, ideally within a few months. While a judge is receiving funds from the firm, the judge is required to recuse in any matters involving the firm. A judge may not refer persons who ask the judge to represent them to the judge's former firm.

Arkansas Advisory Opinion 97-1

A judge may write a letter of recommendation for a prospective candidate for a federal judicial appointment without waiting for an official inquiry.

Arkansas Advisory Opinion 97-2

A judge may distribute to children at the annual Toad Suck Daze balloons that read “Happy Daze! From [judge's name].”

Arkansas Advisory Opinion 97-3

A judge is disqualified from cases involving an attorney who rents office space from the judge, but

that disqualification may be remitted. If the disqualification will be required frequently, the judge should end the continuing financial relationship with the attorney.

Arkansas Advisory Opinion 97-4

A part-time city judge may not represent the city for which he or she sits as a judge regardless of the forum.

California Advisory Opinion 44 (1995)

Under the California Code of Judicial Procedure, a judge may accept free admission to a two-day lecture about the law given by a well-known lawyer and author where the cost of admission to the general public is \$425. Under the California Code of Judicial Procedure, a judge may attend in the same year at no charge a dinner sponsored by the criminal law section of the local bar association costing \$60, a dinner lecture sponsored by the business litigation section at \$55, a “meet the judges” event for \$55 with reimbursement for parking at \$20, and the bar associations family law section symposium, which costs \$110 to attend. Under the California Code of Judicial Procedure, a judge may play golf at a private club with a friend who is a member and accept a reduced green fee. Under the California Code of Judicial Procedure, a judge may accept free tickets for the judge and the judge’s spouse to a dinner dance that cost \$130 each but, because the dinner is sponsored by an organization other than a state or local bar association, the judge should pay for one of the tickets or at least pay \$10 to bring the gift within the statutory limit of \$250 a year from a single source.

California Advisory Opinion 45 (1997)

A judge is disqualified if an attorney in a case has loaned the judge a computer, arranged for the purchase and maintenance of a car for members of the judge’s family, sought advice from the judge on strategy in cases with other judges, and attended reciprocal social dinners with the judge. A judge is disqualified if an attorney has loaned the judge cash that the judge neglects to report on the annual disclosure form. A judge is not disqualified from a case where the judge is an active member of a sports group or social organization with an attorney who appears in the case, but disclosure is necessary. A judge must disclose that he or she is acquainted with both the husband and wife in a dissolution case. A judge must disclose that an attorney in a case has been retained by the judge to represent the judge’s adult child, and disqualification may be necessary. A judge need not disqualify or disclose that a bank in a case holds the judge’s mortgage. A judge who retains an interest in a former law firm’s pension plan, the assets of which fluctuate daily and for which the judge has neither knowledge or management authority, need not recuse or disclose the pension plan but must disclose the prior relationship. A judge must disclose an unsolicited letter received from an out-of-state judge seeking leniency for a criminal defendant about to be sentenced by the judge. A judge is disqualified, absent a waiver, from cases in which a government agency that employs the judge’s spouse is a party but is not disqualified if the agency is bringing the action in a representative capacity, although the judge must disclose the relationship. A judge need not disclose or disqualify merely because an attorney has appeared often before the judge even when the judge holds the attorney in high professional esteem, provided the judge believes he or she is not prejudiced for or against anyone in the case. The judge need not disqualify but should disclose if a

party threatens to complain about the judge to the Commission on Judicial Performance.

California Advisory Opinion 46 (1997)

A judge is permitted to participate in a group that is devoted to the improvement of the law, the legal system, or the administration of justice. However, if a group engages in advocacy towards the adoption, repeal, or modification of particular substantive laws or towards the court's use and application of existing laws in a particular manner, a judge should evaluate whether participation is appropriate. A judge should consider (1) the extent to which the group engages in political or advocacy activities; (2) the extent to which the group is perceived by the public as engaging in political or advocacy activities; (3) the size and public prominence of the organization; (4) whether the issues that concern the group are likely to come before the court; (5) whether the group is concerned with procedural or substantive changes in the law or in the application of the law; (6) whether the judge is participating in a policy-making position; and (7) the fund-raising activities of the group. No single factor or combination of factors is necessarily determinative; the ultimate test is whether the judge's association with the group and the resulting public perception that the judge supports the goals of the group are likely to lead to a public perception that the judge's impartiality in administering the law may be questioned. If a group engages in advocacy with respect to substantive legal issues, it is not possible to separate the judge from the advocacy functions of the organization and limit his or her involvement to non-advocacy functions because the public will nevertheless perceive the judge as fostering the advocacy functions of the organization. A judge has an affirmative duty to learn sufficient information about the organization or governmental board to determine whether participation would violate the code.

(1) A judge may belong to a non-profit corporation with representatives from the courts, district attorney's office, public defender, county counsel, police, probation, and bar association that promotes public awareness and education about domestic violence and sponsors an annual conference with the judicial council but does not engage in political activity or promote legislation. (2) A judge may not be a member of an organization of community leaders that introduces and endorses legislation making currently legal acts illegal and/or increasing penalties for existing criminal acts. The organization is high profile and sponsors many activities concerning the treatment and prevention of drug addiction. (3) A judge may not accept appointment to the board of directors of the national legal services corporation because the affiliated local legal services organization appears regularly in the judge's court. (4) A judge may sit on the board of the court-appointed special advocates who are appointed in specific cases to work with minors in dependency cases. (5) A judge may not serve on a legislator's community advisory council, which meets quarterly to talk about events of state and national interest and to up-date the legislator about current issues, including budget, state business development, and the expectation of federal assistance to the state. (6) A judge may not be on the board of directors of a local women's shelter that has become dissatisfied with the district attorney's prosecution policies in the area of domestic violence and wants to take an active role in persuading the district attorney to implement new policies. (7) A judge may be a member of the commission on uniform state laws, a governmental position.

California Advisory Opinion 47 (1997)

A judge may participate in the educational activities of groups such as state and local bar associations and their sections, bar associations such as business trial lawyer associations and family lawyer groups, inns of court, and similar organizations. A judge may also serve as an officer and board member of such organizations and may run for office in contested elections against an attorney member. The judge should disclose when lawyers with whom the judge has worked closely in an organization appear before the judge.

A judge may participate as a speaker or in other capacities in educational programs for a partisan lawyer organization but should maintain a neutral position, be equally available to groups representing opposing viewpoints, and be particularly careful not to permit such a group to use the judge in its advertising in a manner that makes it appear that the judge promotes the goals of the organization. Partisan lawyer organizations are organizations that are intended to promote the interests of a limited segment of the bar such as district attorneys or public defender organizations, plaintiff or defense-oriented bar associations, and similar organizations. A judge should not be a member of or participate in the governance of a partisan lawyer organization and should avoid regular attendance at its meeting or offset regular attendance by attendance at meetings of an organization espousing opposing viewpoints. A judge should not display in chambers periodicals published by a partisan lawyer organization or should offset such display by displaying the periodicals of organizations espousing opposing viewpoints. A judge should not accept honors from such organizations, such as judge of the year awards, or participate in the activities of any organization that as a body is or may be involved in litigation before the court of which the judge is a member or that publicly promotes highly controversial positions. A judge may participate in entertainment programs of specialty groups but should be alert to the danger of appearing to endorse what may be critical and tasteless portions of the program.

While participating in the activities of bar-related organizations, judges should be careful to avoid situations where individual members of the bar may attempt to advance the merits of their cases. Discussion of legal issues, ideas, and philosophies is appropriate; discussion of specific pending cases is not even if the case is pending before another judge.

Participation in bar organizations that promote the interests of particular racial, ethnic, or gender groups is proper, as long as such organizations do not restrict their membership to a particular race, ethnic group, or gender.

A judge may socialize with individual attorneys with whom the judge is friendly in such activities as golfing, jogging, and dining. The judge need not disqualify from cases involving those attorneys as long as the judge feels that he or she can be impartial, but the judge must, at the outset, disclose the relationship to the parties on the record. A judge may socialize with individual attorneys or attend such events as the opening of an attorney's new law offices or a law firm's open house or holiday party. A judge may participate in social groups consisting of former district attorneys or public defenders or similar alumni groups, but a judge should always be mindful of the duty to disclose a close relationship with members of the bar that appear before them.

D.C. Advisory Opinion 5 (1995)

A judge is not disqualified from criminal cases where the offense charged was committed while the

judge was employed by the Department of Justice unless the judge has personal knowledge of material facts, served as a lawyer in the matter in controversy, or the judge had a particularized former association with a lawyer who served as a lawyer concerning the matter.

D.C. Advisory Opinion 6 (1995)

A judge whose spouse was recently hired as an assistant United States Attorney for the District of Columbia is not disqualified from criminal matters prosecuted by the United States Attorney.

D.C. Advisory Opinion 7 (1997)

A judicial clerk may receive from a prospective private employer reasonable travel, meal, and lodging expenses for recruiting visits including those of an accompanying spouse or companion. A judicial clerk may receive from a new employer pre-employment payments to cover relocation, housing, and bar review expenses that are limited to reasonable expenses actually incurred or anticipated for the post-clerkship period; the clerk may not accept payment of a standard, lump sum the employer has allocated for such purposes to each incoming lawyer having the clerk's status without regard to an actual expense. A judicial clerk should not accept from a prospective employer during the term of the clerkship any payment not earmarked to cover expenses after the clerkship.

Florida Advisory Opinion 96-20

Neither a judicial candidate nor the candidate's campaign manager may attend local Republican or Democratic meetings, which are open to the public, to distribute campaign literature and speak to attendees.

Florida Advisory Opinion 96-21

A judicial candidate may not respond to a questionnaire from a county Republican executive committee asking about political activities and previous offices held.

Florida Advisory Opinion 96-22

A judge may participate in a county education assembly, sponsored by public and private entities, to establish a shared vision for a model public education system, build consensus, and develop recommendations to help the county achieve that goal.

Florida Advisory Opinion 96-23 (clarifying 95-24)

A judge may directly solicit or encourage attorneys to apply to the judicial nominating commission.

Florida Advisory Opinion 96-24

A judicial candidate may truthfully defend his or her own conduct and bring out matters regarding his or her opponent's conduct where the opponent has made false statements.

Florida Advisory Opinion 96-25

A judge may not appear on various news segments to comment on legal matters or explain proceedings during high publicity trials.

Florida Advisory Opinion 96-26

Assuming that the practice has been valued in an arms-length transaction based upon best reasonable estimates, a recently elected judge may transfer his or her practice for a lump sum payment.

Florida Advisory Opinion 96-27

A judge may participate in a building project with Habitat for Humanity and gently solicit colleagues over whom he or she exercises no supervisory or appellate authority to participate if the project is not portrayed as a project of the judges and is not used as an opportunity for the judges to call attention to themselves as good citizens.

Florida Advisory Opinion 97-1

A judge may testify as a fact witness pursuant to a subpoena in a disciplinary proceeding regarding the unauthorized practice of law.

Florida Advisory Opinion 97-2

A judge may attend special functions sponsored by area theme parks free of charge with other community and business leaders.

Florida Advisory Opinion 97-3

Trial court law clerks are not subject to the code of judicial conduct. A trial court law clerk should not submit a character reference letter for a pre-sentence report even where the author's title is omitted.

Florida Advisory Opinion 97-4

A judge may not continue to serve as guardian of the property of a physically disabled person to whom the judge is not related.

Florida Advisory Opinion 97-5

A judge may not, before he or she leaves the bench, fulfill the requirements for certified and court-appointed mediators by conducting two mediations under the supervision and observation of a certified circuit court mediator. (Note: after this opinion was issued, the Florida Supreme Court adopted an amendment to the code of judicial conduct that allows a judge to "take the necessary educational and training courses required to be a qualified and certified arbitrator or mediator, and . . . fulfill the requirement of observing and conducting actual arbitration or mediation proceedings as part of the certification process, provided such program does not, in any way, interfere with the performance of the judge's judicial duties.")

Florida Advisory Opinion 97-6

A judge may not engage in fund-raising for a legal aid organization that is likely to have cases in the judge's court.

Florida Advisory Opinion 97-7

A judge may not submit a letter of reference and support for a former client to use in an application for clemency.

Florida Advisory Opinion 97-8

A judge whose spouse is a temporary legal secretary is disqualified from all cases involving the law firm to which the spouse is currently assigned, not just those matters in which the spouse had been involved, and is disqualified for six months from any cases involving law firms at which the spouse had a prior assignment.

Florida Advisory Opinion 97-9

As long as the fee is scrupulously calculated based upon legal services performed prior to assuming the bench and the applicable requirements of the Rules of Professional Conduct, a judge may collect attorneys fee in a case handled prior to becoming a judge.

Florida Advisory Opinion 97-10

A judge who is dating a child victim specialist employed by the state attorney's office may preside over cases involving the state attorney's office in which his or her friend is not involved as long as the relationship might be referred to as a traditional dating relationship. If the relationship progresses beyond the mere dating stage, the judge would have to make a decision whether his or her impartiality might reasonably be questioned.

Florida Advisory Opinion 97-11

A family division judge may serve on the board of directors of a non-profit corporation that operates a supervised visitation facility even if the judge may order visitation at the facility and a fee is charged to the parties.

Georgia Advisory Opinion 219 (1997)

A judge may not order children and/or parents to obtain services, e.g., counseling, from an organization from which the judge's spouse receives remuneration as executive director.

Georgia Advisory Opinion 220 (1997)

A superior court judge in a multi-judge circuit may not preside in the divorce of another judge from the same circuit, or any matter relating to it, contested or uncontested.

Georgia Advisory Opinion 221 (1997)

A judge who has left prior contributions to his or her former law firm's 401-K plan in the plan is not disqualified from cases involving the firm.

Georgia Advisory Opinion 222 (1997)

A judge who is a former district attorney may hear cases involving the district attorney's office as long as the judge did not personally serve as a lawyer in the matter in controversy or gain knowledge of disputed evidentiary facts concerning the proceeding, but the judge should take great

care to avoid the appearance of impropriety.

Georgia Advisory Opinion 223 (1997)

There is no specific period of time within which a judge must disqualify from cases involving a former law partner, but the judge should consider factors such as the length of the prior association, the size of the former law firm, the amount of time since the judge left the firm, whether the judge and the members of the firm maintain a close relationship, whether there are any financial arrangements between the judge and the former firm, the size of the community in which the practice was conducted, and the case load and burden disqualification will place on other judges.

Georgia Advisory Opinion 224 (1997)

A part-time judge should not appear as counsel in any court of the same class and in the same county as that on which he or she serves as a judge.

Georgia Advisory Opinion 225 (1997)

A judge may not accept and/or use envelopes provided at no cost to the court by advertising agencies for commercial banks, marked “official documents,” and bearing advertisements naming both the court and the bank.

Hawaii Advisory Opinion 4-96

A judge may appoint another judge’s spouse to serve as a commissioner in a foreclosure action.

Illinois Advisory Opinion 97-1

A judge can be disciplined for asserting the Fifth Amendment when questioned before a grand jury about the performance of the judge’s duties and for bargaining for immunity in connection with the proceedings. A judge cannot be disciplined for accepting and testifying under a grant of immunity the judge did not request.

Illinois Advisory Opinion 97-2

Testimony provided by a judge to a grand jury under a grant of immunity may be used against the judge in subsequent judicial discipline proceedings. An early Courts Commission decision holds that it lacks jurisdiction to discipline a judge for misconduct that occurred before the judge assumed the bench.

Illinois Advisory Opinion 97-3

A judge may not serve as a member of the local task force on sexual assault.

Illinois Advisory Opinion 97-4

A judge is not disqualified from cases in which one of the attorneys was formerly represented by the

judge.

Illinois Advisory Opinion 97-5

A judge may serve as a trustee of a charitable foundation.

Illinois Advisory Opinion 97-6

A judge may serve as a director and/or officer of an educational non-profit organization.

Illinois Advisory Opinion 97-7

A judge may not assume an active role in the management of or serve as an officer, director, or employee of a family business. A judge may be a stockholder or shareholder in a family business. A judge may attend a promotion event for a family business so long as the judge is not introduced or identified as a judge.

Illinois Advisory Opinion 97-8

A judge on military reserve duty with the judge advocate general may give legal advice, serve on military courts, and help prepare wills, leases, or other documents for military personnel.

Illinois Advisory Opinion 97-9

A judge may act as a trustee of a charitable trust established to disburse the income of the trust to charities in the settlor's name, but may not receive compensation.

Illinois Advisory Opinion 97-10

A judge may serve as executor for his or her parent's estate, but may not receive compensation.

Illinois Advisory Opinion 97-11

A judge may receive compensation for writing a novel in which legal issues are part of the plot.

Illinois Advisory Opinion 97-12

A judge may receive an honorarium for playing a violin as part of a wedding ceremony.

Illinois Advisory Opinion 97-13

A judge may serve as a board member, officer, or committee member of a not-for-profit economic development corporation that encourages the growth of local businesses, industry, and other forms of private enterprise unless it is likely that the corporation will be a litigant in proceedings that would ordinarily come before the judge, the corporation will be regularly engaged in litigation in any court, or the judge's dealings on behalf of the corporation would involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.

Illinois Advisory Opinion 97-14

A defense fund may be established for a judge charged with a criminal offense but (1) lawyers may contribute to the fund only if they have not practiced and are unlikely to practice before the judge, (2) other judges may contribute to the fund only if their interests have not and are not likely to come before the judge, (3) other judges may not solicit funds or permit their names to be used to solicit

funds, and (4) the name of the judge for whom the fund is created may be used in fund-raising activities that solely benefit the judge but may not be used in joint fund-raising activities with co-defendants.

Illinois Advisory Opinion 97-15

A judge may be president of a cancer society but may not solicit funds.

Illinois Advisory Opinion 97-16

A judge is not disqualified from a case involving a subsidiary of the corporation at which the judge's spouse is employed as vice president of a department.

Illinois Advisory Opinion 97-17

A judge who is a city prosecutor's landlord and to whom the prosecutor owes money is not disqualified from cases prosecuted by part-time assistant prosecutors who are not associated with the city prosecutor in private practice.

Illinois Advisory Opinion 97-18

A judge may hire another judge's child as a secretary if the child is qualified.

Indiana Advisory Opinion 1-97

In a case with a pro se litigant in a non-adversarial setting, where the litigant has failed in some minor or technical way or on an uncontroverted or easily established issue to submit every point technically required or that would be required from an attorney, the judge should make an effort to help that litigant instead of denying the litigant's request for relief.

Kansas Advisory Opinion JE-72 (1997)

A municipal judge who is also an assistant county attorney may serve as a prosecutor in the same type of cases that the judge is assigned to hear as long as they are not cases in the court in which the judge serves and the judge does not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

Kansas Advisory Opinion JE-73 (1997)

A judge may not serve as a trustee for a community organization that provides support, advice, and resources to groups that aim to change programs, policies, and practices to increase the quality of life for children and youth.

Kansas Advisory Opinion JE-74 (1997)

A judge may lecture or serve as a panelist without compensation for a CLE legal ethics seminar held by a law firm or corporation or co-sponsored by a law firm and its client corporation that will be attended only by lawyers of the firm and/or lawyers of the corporation's law office.

Kansas Advisory Opinion JE-75 (1997)

A judge is not disqualified from cases involving the county attorney's office because a law student living with the judge is serving as a summer intern.

Kansas Advisory Opinion JE-76 (1997)

A judge may not contribute a dinner for eight prepared by the judge as a celebrity chef to be auctioned at a charity fund-raiser even if the donor would not be identified as a judge.

Kansas Advisory Opinion JE-77 (1997)

A judge may serve as an elder of a church unless elders are required to make public requests for contributions from the pulpit or to write letters to individual members of the congregation soliciting financial contributions and exhorting them to meet their pledges or other financial obligations to the church.

Kansas Advisory Opinion JE-78 (1997)

Upon reconsideration of opinion JE-76, the committee concluded that preparing and serving a meal as a celebrity chef to be auctioned for charity is not a direct solicitation of funds prohibited by the code of judicial conduct. [Note: The Commission on Judicial Qualifications has expressed concern that JE-78 may not be valid under all factual circumstances and notes that the Commission is not bound by advisory opinions.]

Kentucky Advisory Opinion J-88 (1997)

A judge may not employ the judge's child as a law clerk.

Kentucky Advisory Opinion JE-89 (1997)

A judge may not serve as president of the board of directors of the Kentucky Council on Child Abuse.

Kentucky Advisory Opinion JE-90 (1997)

A judge may not employ his or her spouse as a secretary.

Louisiana Advisory Opinion 137 (1996)

The campaign committee of a newly elected judge may solicit and accept contributions more than two years after the election but only until the judge's campaign debt is extinguished.

Louisiana Advisory Opinion 138 (1997)

A full-time judge may not serve as the attorney member of a medical malpractice panel. A judge is not required to report compensation for serving in the Army Reserve in a non-legal capacity.

Louisiana Advisory Opinion 140 (1997)

A judge may participate in the activities of Gideons International, including handing out Bibles, so long as those activities do not in any way constitute solicitation of contributions, suggest that the judge is using the prestige of the judicial office for the solicitation of funds, and Gideons International is not likely to appear before the judge on a regular basis. A judge may not make a Gideon Report in any church, including his own, that includes a request for a donation to purchase Bibles. A judge may not erect political signs in behalf of the judge's spouse who is running for public office.

Louisiana Advisory Opinion 141 (1997)

A candidate for judicial office who is not the incumbent may transfer excess funds from a prior non-judicial race to the campaign.

Louisiana Advisory Opinion 142 (1997)

A judge may not serve on the governing board of a commission established by the legislature to provide financial assistance to the offices of the district judges, the district attorney, and the parish court clerk where the financing is to be generated by imposition of taxes.

Louisiana Advisory Opinion 143 (1997)

A judge may not appoint the judge's law clerk as curator ad hoc solely to locate a nonresident or absent defendant to inform him or her of an action and the deadline for filing an answer or asserting a defense. A judge may not appoint the judge's law clerk as notary to inventory a bank box.

Louisiana Advisory Opinion 144 (1997)

In response to questions from representatives of the press to inaccurate or misleading statements by a citizen about a judicial action of a judge in a particular case, the judge may explain procedures of the court, including general background information relating to the operation of the court system and an explanation in legal terms of the concepts, procedures, and issues involved.

Louisiana Advisory Opinion 146 (1997)

A lawyer who holds an interest in an office building with the district attorney and first district attorney may not accept an appointment as a part-time hearing officer in traffic court where all cases will be brought by an assistant district attorney.

Louisiana Advisory Opinion 147 (1997)

A part-time judge may be a member of a governmental commission that is a political subdivision of the state.

Maine Advisory Opinion 91-1

Unless the judge believes he or she cannot be impartial, a judge is not required to recuse from a case in which one of the parties has filed a suit against the judge or has filed a complaint with the Committee on Judicial Responsibility and Disability where the suit or complaint is spurious or

meritless on its face, where it is obvious from the face of the suit or complaint that the party filed it solely to remove the judge from the case, and where it can be reasonably anticipated that the party would bring the same type of suit or complaint against the next judge if the present judge recuses. A judge is not disqualified from a case involving an attorney against whom the judge previously filed a complaint to the Board of Overseers or against whom the judge has imposed sanctions or other discipline assuming that the judge believes that he or she can act in such cases with impartiality.

Maine Advisory Opinion 91-2

A judge whose spouse is an attorney employed in the criminal division of the attorney general's office is not disqualified from civil cases involving the attorney general, but should disclose the relationship. The judge is disqualified from any criminal case in which the attorney general's office is involved including those at which a district attorney may stand in at arraignment if the judge is aware it might actually be the attorney general's case and the judge should inquire about the attorney general's possible involvement at arraignment unless no other judge would be available within the requisite time required for arraignment.

Maine Advisory Opinion 92-1

A judge may serve as a trustee or member of the executive committee of a private school even if the judge may be asked to testify in an action involving the school.

Maine Advisory Opinion 92-2

A judge who signed the abstract of judgement for a parcel of real estate in a foreclosure action may bid on the parcel at the auction. A judge who signed the judgement of foreclosure for a parcel of real estate may not bid on the parcel at the auction even if the foreclosure is not contested and even if the judge obtains releases from the mortgagor and mortgagee.

Maine Advisory Opinion 92-3

A judge may participate in judicial educational programs funded by the Maine Bar Foundation.

Maine Advisory Opinion 93-1

A judge may attend the Maine Civil Liberties Union annual awards dinner, which is a fund-raiser unless it is apparent to the judge in advance that the speakers would advocate positions relating to specific cases and the judge's attendance might reasonably be interpreted as an endorsement of these positions. A judge may not attend the dinner at a special price for judges that covers the cost but does not include the contribution to the MCLU.

Maine Advisory Opinion 93-2

A judge whose spouse is a member of a law firm that has an associate who engages in legislative lobbying on behalf of the Maine Sheriffs' Association and the Maine Trial Lawyers' Association should disqualify from all cases in which the sheriffs' association or the trial lawyers' association are actual parties. In a case in which the sheriffs' association is not a party but there is a claim against a sheriff's office, a sheriff, or a deputy sheriff based on official acts or omissions, the judge must inquire whether the lawsuit might affect the interests of sheriffs as a group. The judge need

not recuse from a divorce action involving a sheriff or a criminal case that the sheriff's office investigated or in which the sheriff or deputies will testify. The judge need not recuse from cases where members of the lawyers' association are parties or lawyers.

Maine Advisory Opinion 93-3

A judge whose spouse is the sibling of a district attorney is disqualified from criminal cases prosecuted by that district attorney's office.

Maine Advisory Opinion 93-4

A judge may respond to a request from the Board of Overseers of the Bar asking the judge whether an attorney made a request for alimony in a case, but the judge is not required to give the Board his or her reasons for not granting alimony.

Maine Advisory Opinion 94-1

An active retired justice of the superior court may not act as an arbitrator or mediator.

Maine Advisory Opinion 94-2

Unless the judge believes that he or she cannot act impartially, a judge is not required to recuse from post-judgement motions in a divorce proceeding in which there had been a child custody dispute where the party who lost custody of the child has filed a complaint against the judge with the Committee on Judicial Responsibility and Disability and has made public statements critical of the judge and the ability of the system to resolve custody issues and where the party's current spouse publicly accused the judge of stealing a child from the child's parents.

Maine Advisory Opinion 94-3

A judge whose spouse is a candidate for public office may not campaign on behalf of the spouse, may not attend a campaign "coffee," but may attend church services, social events, and concerts with the spouse unless the judge's presence is motivated in any way by the spouse's candidacy. The judge should not attend any social or community events with his or her spouse unless the judge has a reason for attending that is not related to the spouse's candidacy and unless the judge would have attended the event even if the spouse were not a candidate. While the judge may attend, for example, a local parade, the judge should not march beside the judge's spouse under a campaign banner. If the spouse decides to campaign at a community fair, the judge can attend the fair (assuming the judge would have gone in any event) but should not work the crowd with the spouse. If the line is difficult to draw, the judge should err on the side of caution and avoid any activity that could be construed as campaigning on behalf of the spouse. The judge should not place a campaign bumper sticker on the judge's car or on any family car that the judge uses, although the judge may accept a ride in a vehicle with a bumper sticker. The judge should not permit a campaign sign to be placed in front of the judge's house. A judge may not make contributions to the spouse's campaign. The spouse should not pay for campaign expenses out of a joint bank account since that account presumably includes funds contributed by the judge and certainly constitutes money over which the judge shares control. A judge should not attend campaign strategy meetings, constituent events, or similar events held in the judge's home. Assuming that the judge is able to absent himself or herself in another part of the house from the political gathering, the judge is not required to leave the house

when such events are scheduled, but should not mingle with the persons attending the gathering or greet visitors. The judge may be identified by name or photograph in campaign literature but should not be identified as a judge. The judge may not compile voter or contribution lists, stuff envelopes, or drive the spouse to events.

Maine Advisory Opinion 96-1

A judge may be a candidate for the board of directors of a private, non-profit museum but not of a bank.

Maine Advisory Opinion 96-2

A judge whose spouse had briefly represented the former husband of a plaintiff who had been hit by a truck was not disqualified from the suit against the truck driver where the matter on which the judge's spouse briefly represented the former husband involved a divorce matter that had as a tangential issue the former husband's loss of consortium claim, which is not at issue in the case before the judge; the representation lasted for a brief period, was uncompensated, and was concluded before the case was filed; the information communicated to the judge by the judge's spouse is not the kind of information that could predispose the judge toward one side in the pending case; and the possibility that a judge might harbor some antipathy toward a former client of the judge's spouse who had retained another attorney was too speculative to warrant disqualification, particularly where the former client is a witness, not a party.

Maryland Advisory Opinion 122 (1995)

A judge may not serve on the advisory board of an arbitration association.

Maryland Advisory Opinion 124 (1996)

The judges of a circuit court as a group may ask individual attorneys to agree to handle one pro bono case a year. A judge may personally ask an attorney to volunteer for such pro bono activity. The judges of a circuit court may place an ad in the local bar newspaper or appear at a group meeting of the bar to solicit volunteers for this service.

Maryland Advisory Opinion 125 (1997)

A judge may not endorse a candidate for a bar association office.

Michigan Advisory Opinion JI-110 (1996)

A judge may serve as track steward at an automobile race provided the judge is not classified as an employee of the track, sponsor, sanctioning body, or other organization involved.

Michigan Advisory Opinion JI-111 (1997)

A judicial campaign committee may accept unsolicited funds raised through fund-raisers on behalf of the judicial candidate by law firms, interest groups, and political parties independent of the

campaign committee. A judicial candidate and the candidate's campaign committee may not circumvent ethics rules on campaign fund-raising by authorizing or acceding in independent fund-raising on behalf of the candidate or accepting funds raised independently when the campaign committee would be prohibited from directly performing those fund-raising activities. A judicial candidate may attend an independent fund-raiser if the candidate's committee could have directly conducted the fund-raising activity.

Michigan Advisory Opinion JI-112 (1997)

A judge is disqualified from a case where as a lawyer the judge served as a mediator for the same parties involving the same matter.

Michigan Advisory Opinion JI-113 (1997)

A judicial campaign committee may be formed at any time, despite the 180-day restriction on solicitation of funds. A candidate may at any time donate or lend personal funds to the campaign. Unsolicited campaign funds from sources other than the candidate may be accepted before the 180-day campaign period, but may not be spent before that time.

Michigan Advisory Opinion JI-114 (1997)

A part-time magistrate may practice law and be of counsel to a law firm but is disqualified from any matters where a member of the law firm appears and may not practice in the court where he or she sits.

Missouri Advisory Opinion 14A (1997) (replacing Missouri Advisory Opinion 14 (1979))

A judge is not disqualified from cases that were pending in the prosecutor's office when the judge served as prosecutor unless the judge personally handled the case or had confidential communications with fellow prosecutors, witnesses, victims, opposing parties, or counsel about the case, but the judge must disclose the former employment and recuse at the request of a party.

Missouri Advisory Opinion 169 (1997)

A judge must make referrals of offenders who have violated county and municipal ordinances involving alcohol or drug-related traffic offenses to education or rehabilitation programs that meet the minimum standards established by statute and if more than one provider meets those standards the judge should make the referral on the basis of merit, avoiding nepotism, and favoritism.

Nebraska Advisory Opinion 96-8

A judge is not disqualified from a case in which one of the parties is an attorney who regularly practices law in the court where the judge presides, but if the judge and attorney have formed a special relationship, the judge should disclose the relationship and recuse if the parties do not waive the disqualification. Recusal by one judge in a district does not automatically require blanket recusal by all judges.

Nebraska Advisory Opinion 96-9

A judge may not write an occasional column for a local newspaper that is published primarily for law enforcement officers.

Nebraska Advisory Opinion 97-1

A judge with juvenile court jurisdiction may not be a member of a state department council that helps establish policies to be implemented by various agencies and protective services workers employed in the health and human services system.

Nebraska Advisory Opinion 97-2

A new judge from and after the date of swearing-in must have no further involvement or participation in a professional corporation and no further input or involvement in the handling of any cases, except for the passive receipt of fees for legal services previously rendered.

Nebraska Advisory Opinion 97-3

A judge may serve on the board of a private foundation.

Nebraska Advisory Opinion 97-4

A judge may not serve as a board member of a governmental committee that provides advice to state university decisionmakers on matters other than improvement of the law.

New Mexico Advisory Opinion 96-1

A judge may sign a nominating petition for a judicial candidate and circulate the petition as long as the judge does not utilize court facilities, supplies, or postage or solicit others to sign such petition while performing judicial duties or acting in an official capacity.

New Mexico Advisory Opinion 96-2

A judge may assist the judge's spouse in a door-to-door campaign as long as the judge does so as a private person and does not do so during the judge's normal business hours or while acting in an official capacity; the judge may solicit signatures for a nominating petition; the judge's photograph may appear with the judge's spouse and children in campaign literature so long as the judgeship is not mentioned and the judge is not singled out and identified as a judge.

New Mexico Advisory Opinion 96-3

A judge is required to resign after filing as a candidate for the state representative.

New Mexico Advisory Opinion 96-4

A judge may not serve as a part-time tribal court judge.

New Mexico Advisory Opinion 96-5

A judge may participate in an educational program conducted through a newspaper column or radio

show that encourages the public to write to the judge personally with questions, concerns, or comments relating to the operation of the court.

New Mexico Advisory Opinion 96-6

A judge may not serve on the board of directors of a not-for profit organization that recruits, trains, and oversees court appointed special advocates for abused and neglected children where the volunteers frequently appear before the judge.

New Mexico Advisory Opinion 96-7

A judge may not attend the Republican National Convention as an alternate delegate from the judge's congressional district.

New Mexico Advisory Opinion 96-8

A judge may not serve on the governing board of a public educational institution other than a law school.

New Mexico Advisory Opinion 97-1

A judge may not serve on an interview panel for selection of a probation officer or detention coordinator.

New Mexico Advisory Opinion 97-3

A part-time judge may serve on the advisory board for a fund-raising project to send high school students to an international drama festival even if the judge's name and judicial title are included on letterhead sent out for general communication and fund solicitation. A part-time municipal judge may represent a municipal judge in another municipal jurisdiction to sue that municipality regarding a separation of powers issue.

New Mexico Advisory Opinion 97-4

A judge may not appear in a proposed CBS video in which the judge would identify himself or herself as a New Mexico trial court judge and state that he or she watches CBS every weekday.

New Mexico Advisory Opinion 97-5

A judge may write and submit articles about the probate process to a local newspaper for publication.

New Mexico Advisory Opinion 97-6

A judge who owns a small interest in an office complex that rents to two attorneys who do a considerable volume of work before the judge's court must recuse, and if recusal will cause more than minor assignment difficulties, the judge must divest.

New Mexico Advisory Opinion 97-7

A judge may sell lots to a contractor so the contractor can bid on the construction of a new courthouse where the judge has no involvement in the acceptance of the bid or the selection of the site.

New Mexico Advisory Committee 97-8

A judge is not disqualified from cases where an attorney of record used to be an associate in the firm in which the judge practiced before joining the bench except in cases the associate brought from that firm that were handled by the firm at the time the judge was there. A judge is not disqualified from cases in which the judge's former opponent for the judicial position the judge now holds is an attorney of record.

North Dakota Advisory Opinion 95-1

A judge should recuse from a proceeding when one of the parties is represented by an attorney who was the judge's political opponent in a prior judicial race for a reasonable time to be determined by the judge.

North Dakota Advisory Opinion 96-1

A judge should recuse from a case where the judge's spouse filed a complaint against an attorney representing one of the parties for a reasonable period that should be determined by the judge but should not exceed one year after disposition of the complaint. Recusal is not required if an associate of the attorney appears.

Ohio Advisory Opinion 97-4

A law clerk and members and associates of a firm that employs the clerk may not appear before the judge he or she serves or before any other judge in the same division. A judge should not appoint attorneys in a firm that employs the judge's law clerk to represent indigents in criminal cases.

Ohio Advisory Opinion 97-6

An incumbent judge who anticipates a future judicial candidacy may form a judicial campaign committee prior to the period for soliciting and receiving funds. By forming such committee, the incumbent judge becomes a "judicial candidate" a subject to any restrictions placed on "judicial candidates." The campaign committee cannot solicit or receive campaign funds outside the time period but may expend retained campaign funds as long as the expenditure is not used to solicit campaign funds. The campaign committee may mail letters to the legal community outside the time period asking attorneys to serve on the campaign committee, but the letter must not include a solicitation of campaign funds.

Ohio Advisory Opinion 97-8

A retired judge who is eligible for recall to judicial service may not serve as a legislative agent for the Common Pleas Judges' Association or the Association of Domestic Relations Judges.

South Carolina Advisory Opinion 1-1997

A judge, whether full or part-time, may not participate in a marketing plan that requires the judge to solicit customers to join the same marketing operation.

South Carolina Advisory Opinion 2-1997

A judge may be a member of a fraternal organization of former members of the South Carolina General Assembly that meets socially several times a year to promote good will and camaraderie among former members of the general assembly and to promote causes to improve government for the people of South Carolina.

South Carolina Advisory Opinion 3-1997

A full-time probate judge may seek and obtain a position on the South Carolina Public Service Commission, a quasi-judicial position, elected by the legislature.

South Carolina Advisory Opinion 4-1997

A part-time magistrate may not serve as a defense attorney on a DUI case in a municipal court where the arrest took place in the defense attorney/magistrate's jurisdiction and therefore the magistrate would have concurrent jurisdiction.

South Carolina Advisory Opinion 5-1997

A judge may become a member of a club organized to support the state National Guard as long as the judge's dues are not used for any political purpose.

South Carolina Advisory Opinion 6-1997

A part-time municipal court judge may not serve on the advisory board of a local bank that is often in court.

South Carolina Advisory Opinion 7-1997

A full-time judge may serve on a committee for a private university that conducts admission interviews for students.

South Carolina Advisory Opinion 8-1997

A part-time magistrate may own a security company.

South Carolina Advisory Opinion 9-1997

A part-time judge may present a one-day legal training course to reserve officers.

South Carolina Advisory Opinion 10-1997

A part-time judge may host and finance a reception in appreciation of the city employees and elected officials.

South Carolina Advisory Opinion 11-1997

A judge may serve on a committee for his or her church to evaluate the status of prison ministries, the needs of prison ministries, and the means of meeting those needs.

South Carolina Advisory Opinion 12-1997

A probate judge may receive compensation from a county council for conducting hearings for involuntarily committed patients of the Department of Mental Health who are legal residents of a different county than the one in which the judge sits.

South Carolina Advisory Opinion 13-1997

A judge may not serve on the board of directors of a local, non-profit hospital in the judge's jurisdiction.

South Carolina Advisory Opinion 14-1997

A judge may not serve on the board of directors of the South Carolina School Board's Association. A judge may not serve as director of the legal defense fund of the South Carolina School Board's Association. A judge may not serve as a member of the grievance committee for a county personnel office.

South Carolina Advisory Opinion 15-1997

A part-time magistrate may serve as a board member of a county airport commission.

South Carolina Advisory Opinion 16-1997

An employee of a municipal court judge should not serve as the victim's advocate in the same municipality.

South Carolina Advisory Opinion 17-1997

An attorney whose spouse is a deputy or associate probate judge may not practice before the probate judge. A judge's law clerk may not have any contact with the files of any case handled by his or her spouse and should avoid discussing the cases with the spouse or the judge.

South Carolina Advisory Opinion 18-1997

A judge may co-host a law school reception that is not a fund-raiser but is social and informational.

South Carolina Advisory Opinion 19-1997

A judge may not hold the proceeds of a real estate sale in trust for a friend.

South Carolina Advisory Opinion 21-1997

A retired judge's name may be included in a law firm's Yellow Pages advertisement as long as there is no reference to him or her being a retired judge.

Tennessee Advisory Opinion 97-1

A judge may not consider information available through the state child support enforcement computer system without all parties present and given the right to be heard.

Tennessee Advisory Opinion 97-2

A judge is not disqualified from cases in which one of the lawyers has been retained by the committee on compensation and retirement of the state judicial conference to assist in advocating for the maintenance or improvement of judicial compensation before the general assembly.

Tennessee Advisory Opinion 97-3

A judge who does not hear criminal cases may receive a commission from the local police department, assist in weapons training of law enforcement officers, and participate with their competing pistol team.

Tennessee Advisory Opinion 97-4

A judge may not write a letter to the Board of Professional Responsibility for a disbarred attorney seeking reinstatement if the judge feels the attorney is attempting to use the judge's influence as a character witness. The judge should appear before the Board of Professional Responsibility only in response to a subpoena.

Tennessee Advisory Opinion 97-5

When a petition for an order of protection is filed, prior to the hearing, a judge may not request a local law enforcement agency to furnish the criminal history of the petitioner and respondent.

Tennessee Advisory Opinion 97-6

Any candidate for judicial office (except a candidate subject to retention election) may begin soliciting campaign contributions through a campaign committee 180 days prior to the primary election date even if a primary appears unlikely because the judicial election is non-partisan.

Texas Advisory Opinion 204 (1997)

A judge may not accept employment to appear in a television program portraying a judge presiding over simulated court proceedings based on actual trial or to consult with the producers of such a television program, but the activities would not be prohibited if the judge were not paid.

Texas Advisory Opinion 205 (1997)

A judge may not donate items such as dinners or golf with the judge to be awarded to the highest bidder in a bar association fund-raising auction. A judge may not donate items to be auctioned off at a political party fund raising auction.

Texas Advisory Opinion 206 (1997)

A judge may order a family violence offender to attend family counseling at a specific agency or to select between two or three agencies as long as the agencies are qualified programs that advance the county's objective of reducing family violence and the judge does not influence the selection process to advance the private interest of any provider.

Texas Advisory Opinion 207 (1997)

A judge may not file a character affidavit on behalf of a person seeking pardon from the President of the United States.

Texas Advisory Opinion 208 (1997)

A justice of the peace may serve as a volunteer court-appointed special advisor in the county in which he or she serves and in other counties.

Texas Advisory Opinion 209 (1997)

While a case is still pending, a judge may not respond publicly to unfair criticism of his or her actions in the case, including allegations of bias because of personal ties to the attorney for the plaintiffs and suggestions that the judge's political interests favor plaintiffs who reside in the judge's county.

Texas Advisory Opinion 210 (1997)

A judge may not accept a referral fee from a realtor to whom the judge refers former clients and friends.

Texas Advisory Opinion 211 (1997)

A justice of the peace may not make telephone calls and send letters to debtors on behalf of a collection agency even if the communications would not mention his or her judicial status, would be done at home and not at the court offices, and any suits to collect the debts would be heard by a different judge.

Texas Advisory Opinion 214 (1997)

A judge may write a letter of support for a non-profit organization seeking funding that describes the judge's knowledge of the services the organization provides and does not solicit funds. A judge may serve as a member of an advisory board of an organization that is funded by government and private funding.

Texas Advisory Opinion 215 (1997)

A judge or a judge's family who has suffered a catastrophic loss may not accept gifts of money from lawyers or parties who have come or might come before the court but may do so from non-lawyers friends and acquaintances who happen to work in the courthouse but have no interest that has or might come before the court. A judge may not use a blind trust to accept gifts he or she would otherwise be prohibited from receiving.

Texas Advisory Opinion 216 (1997)

A judge who is hearing a case out of town may not stay in the lake house of a lawyer who often appears in the judge's court even if the lawyer has no connection with the case unless the county pays for the judge's stay at a rate that is commensurate with the market value of the accommodations and the lawyer regularly rents out the house, not just to the judge.

Texas Advisory Opinion 217 (1997)

A judge who is currently under suspension by the Commission on Judicial Conduct and receiving judicial pay may not serve as a mediator.

Texas Advisory Opinion 219 (1997)

A judge may have a “non-event” fund-raiser instead of paying for a fund-raising event, the invitation to which announces that the judge will contribute existing campaign funds to an unnamed local charity serving inner city youth and explains that no funds raised by the solicitation letter would go to the charity.

Texas Advisory Opinion 220 (1997)

A judge may not participate as a celebrity server for a fund-raising dinner for a non-profit organization of court-appointed child advocates where the judge’s name will be used in the publicity for this event even if the judge will not participate in any actual fund-raising but will only serve desert to the amusement of the guests.

Utah Informal Advisory Opinion 95-3

A judge may not serve as a member of the state board of regents.

Utah Formal Opinion 96-1

A judge may not participate in the executive banking program, which offers benefits in checking, lending, and bankcard services, offered by the bank that receives the court’s deposits.

Utah Informal Advisory Opinion 96-1

A judge for a full-time justice court is presumed to be a full-time judge but that presumption may be rebutted by the judge’s demonstration that he or she does not receive a salary commensurate with full-time professional work; the judge, by contract or in practice, performs substantially less than forty hours in judicial service per week; the employing entity, by contract or in practice, permits or anticipates that the judge will have other employment; or the employing entity does not regard the judicial employment as full-time.

Utah Informal Advisory Opinion 96-2

Absent an emergency, a judge is required to disqualify from proceedings involving an employee of the judge’s judicial district, even if the judge has little or no contact with the employee, and in proceedings involving an employee’s immediate family member or other family member who resides in the employee’s household. In proceedings involving relatives outside the employee’s immediate family or household, disqualification may be required depending on the closeness of the relationship between the judge and the employee and between the employee and the family member.

Utah Informal Advisory Opinion 96-3

A judge is not necessarily disqualified from a proceeding where an attorney representing one of the parties represented another client in adversary proceedings against the judge, but the judge must

evaluate whether the judge's impartiality has been affected or whether the judge's impartiality might reasonably be questioned, considering the nature of the proceeding, comments made during the proceeding, results of the proceedings, the time that has passed since the proceeding was completed, whether the judge was sued in an individual or official capacity, and whether the previous proceeding affected the judge's ability to be impartial.

Utah Informal Advisory Opinion 97-7

A judge should not engage in private social activities (for example, dining engagements, attending theater or sporting events, or activities such as golf) with attorneys who have cases pending before the judge regardless whether motions or other issues are pending. Before accepting or extending an invitation to socialize, a judge should inquire whether the attorney has cases pending before the judge. The judge may reasonably rely on the attorney's assertions, but if the attorney's assertions prove to be incorrect, the judge should be circumspect about future engagements with the attorney. Judges may be required to avoid social engagements with attorneys who frequently have cases before the judge or are otherwise likely to appear, and at the very least, should carefully consider private engagements with attorneys who are frequent litigators or have regularly appeared before the judge. The prohibition on social engagements does not automatically extend to other members of the firm of an attorney who has a case pending before the judge, but the judge must be circumspect and should consider factors such as the size of the firm and the nature of the litigation when determining whether to accept or extend an invitation. In those circumstances in which a judge may interact socially with attorneys, a judge should not let attorneys pay for the event, although frequent dinner companions may take turns paying for dinner. Judges may attend bar functions, committee meetings, law firm open houses, and other large gatherings in which refreshments or a meal might be served even if the judge does not pay his or her own way and even if attorneys who have cases pending before the judge are also in attendance. At those events, the judge should avoid private or extended conversations with those attorneys and limit conversations to ordinary social pleasantries. The judge must also avoid situations that create the appearance that an attorney who has a case pending before the judge is having a private conversation with the judge; for example, the judge should not sit at the same lunch table with an attorney who has a case pending unless others are present. Judges must avoid gatherings hosted by attorneys or law firms in which the expense would be considered anything but ordinary from the viewpoint of an average person.

Washington Advisory Opinion Amended 89-5

A court commissioner may consider ex parte and agreed orders presented by the attorney spouse of the judge who appointed the commissioner. A court commissioner may hear contested matters if the commissioner discloses that he or she was appointed by the judicial spouse of one of the attorneys in the matter and no party requests recusal.

Washington Advisory Opinion 97-1

A municipal court in conjunction with the city department of administration may not enter into a marketing agreement with a credit card company to process payments for fines over the phone

through a proposed interactive voice response system, whereby the credit card company would place its logo on citations and citation envelopes.

Washington Advisory Opinion 97-2

A judge may continue to hold shares of stock in a family business without establishing a trust.

Washington Advisory Opinion 97-3

A judge may be a member of the county bar association council that raises funds for the bar association's pro bono program, may pledge money to the council, and may serve as an officer of the council. The conduct of the spouse of the judicial officer is not regulated by the code of judicial conduct. A judicial officer may waive a fee for performing a wedding but may not direct or suggest that a donation instead be made to a specific charity even one that is devoted to improving the law, the legal system, and the administration of justice.

Washington Advisory Opinion 97-4

A judicial officer may participate on an advisory board for a study of the affect of domestic violence court orders.

Washington Advisory Opinion 97-5

A judge may permit a court employee to work as a volunteer domestic violence counselor outside of court hours but should advise the employee that he or she must not give the impression that the volunteer activity is in any way related to the employment and that the judge should be informed if any of the participants in the court employee's domestic violence training or counseling sessions are involved in pending cases before the court. The judge should then determine if there is a need to make disclosures or to take appropriate steps to isolate the clerk's activities in the case to avoid an appearance of unfairness or partiality.

Washington Advisory Opinion 97-6

A judge must recuse from a case in which the lawyer representing the judge in a private matter appears even if the attorney is sponsored by an organization like the American Civil Liberties Union or provided through an insurance company.

Washington Advisory Opinion 97-7

A judge may receive a written ex parte communication from a probation officer to determine if exigent circumstances exist to issue a bench warrant because of an alleged probation violation. A judge is required to have the defense attorney and prosecutor present when he or she speaks to a probation officer about additional information that should be covered in the probation officer's recommendation regarding deferred prosecution of a DUI charge. A judge may not have ex parte contact regarding a presentence report with the community corrections officer, who must attend the hearing unless excused by both parties.

Washington Advisory Opinion 97-8

A judge may participate in the formation of a local improvement district that has the goal of having a vote scheduled to have streets paved if the judge makes it clear that the participation is as an

affected property owner and not as a judge, but the judge may not campaign if the issue comes to a vote. A judge may, as an affected property owner, oppose the U.S. Forest Service's proposed plan to build facilities for off-road use on property that adjoins or is near land that the judge owns.

Washington Advisory Opinion 97-9

A judge is not disqualified from a case involving a house in the same subdivision as a house for which the judge's spouse has a listing as a real estate broker. A judge is not disqualified from a case involving a house in the same subdivision as a house owned by the judge's spouse over 20 years ago.

Washington Advisory Opinion 97-10

A judge should not act as a member of the planning team or serve in an advisory capacity for a symposium on domestic violence for which one of the sponsors is a provider of services for domestic violence victims and offers advocacy services for victims, but the judge may address the symposium and/or act as a moderator and give a judicial perspective on the way domestic violence cases impact the courts. The judge should not speculate on what the law should be or how it could be improved in particular cases, and the judge should not act as an advocate or give the impression as to how he or she might rule in a particular case.

Washington Advisory Opinion 97-11

A judge is not disqualified from cases involving a law firm that performed pro bono legal services for the incorporation of a state-wide court historical foundation, but if the judge was active in forming the foundation and worked with the law firm on the its incorporation, the judge should disclose that relationship.

Washington Advisory Opinion 97-12

Deputy prosecuting attorneys and assistant attorneys general who work in either the paternity/nonsupport or child support/public assistance area may serve as commissioners pro tem on the family law docket and in the ex parte department as long as they do not hear any cases in which their respective offices have appeared but they should disclose their other employment and duties and the court should monitor the cases over which they preside to determine if they are becoming contested.

Washington Advisory Opinion 97-13

A judge may serve on a committee that advises a state agency on the development of snowmobile facilities and programs but engages in no formal fact-finding.

Washington Advisory Opinion 97-14

A judge may write a letter to the indeterminate sentence review board, based on information the judge learned while acting as the prosecuting attorney in the case, that will focus on the nature of the defendant's criminal activity and its impact on the victims; the letter will not be on official letterhead, will use the judge's personal address, and will not refer to the judge's current position.

Washington Advisory Opinion 97-16

A full-time municipal court judge pro tem may sit as a pro tem district court judge provided that service does not interfere with the performance of the judge's judicial duties.

Washington Advisory Opinion 97-17

A judge may participate on a public university's minority community advisory committee.

Washington Advisory Opinion 97-18

A part-time deputy prosecutor attorney solely responsible for criminal appeals may serve as a commissioner pro tem hearing dependency cases.

West Virginia Advisory Opinion (February 5, 1997)

A senior judge may serve on the fee resolution committee for the state bar.

West Virginia Advisory Opinion (February 5, 1997)

A new judge may sign off on an agreed stipulation that finalized a case on which the judge had sat when a member of the lawyer disciplinary board hearing panel.

West Virginia Advisory Opinion (February 5, 1997)

A mental hygiene commissioner may not be a member of the board of directors of the public defender corporation.

West Virginia Advisory Opinion (February 6, 1997)

A judge may serve as an attorney in fact for a woman with whom the judge has had a close relationship for 15 years, for example, handling all of her business affairs, but to whom the judge is not related.

West Virginia Advisory Opinion (February 7, 1997)

Whether a magistrate whose assistant is the spouse of a law enforcement officer or of a prosecutor or assistant prosecutor is disqualified depends on the extent of the spouse's involvement in a case. The judge should disclose the relationship.

West Virginia Advisory Opinion (February 7, 1997)

A judge may not participate in a domestic violence coordinating council designed to identify and remedy problems in the current response system for victims of domestic violence.

West Virginia Advisory Opinion (February 7, 1997)

A judge may send members of a jury panel letters thanking them for their service but the letters must be sent at the end of the term during which the jurors served, should not mention any trial, verdict, or issues, and must not solicit comments on the jury's decision or deliberations.

West Virginia Advisory Opinion (February 7, 1997)

A judge is not disqualified because the county prosecuting attorney recently hired the judge's third cousin.

West Virginia Advisory Opinion (March 4, 1997)

A judge may be a member of the American Academy of Matrimonial Lawyers, a national organization that represents both plaintiffs and defendants in domestic matters.

West Virginia Advisory Opinion (March 10, 1997)

A judge may write to legislators or testify before a legislative committee concerning proposed legislation as long as the legislation concerns the law, the legal system, or the administration of justice, does not involve issues that are pending before the judge, and the judge is clear that he or she is speaking for himself or herself not for all judges. Personal stationery and not judicial stationery should be used.

West Virginia Advisory Opinion (March 31, 1997)

A judge may not serve on the county board of directors of the United Way.

West Virginia Advisory Opinion (April 24, 1997)

A judge may not attend an annual function sponsored by victim assistance programs, sexual assault centers, family violence prevention programs, police agencies, and others.

West Virginia Advisory Opinion (April 30, 1997)

A judge may hear cases in which one of the parties is represented by an attorney who was an associate with the judge in a law firm if the cases came to the law firm after the judge's association although the judge should disclose the former relationship.

West Virginia Advisory Opinion (June 23, 1997)

Judges may participate in domestic violence coordinating councils as long as the participation is consistent with the code of judicial conduct and the judges' impartiality is not placed in question.

West Virginia Advisory Opinion (June 23, 1997)

A new judge who was actively involved with Mothers Against Drunk Driving prior to taking the bench should not hear any alcohol-related offenses that occurred prior to the judge taking office and any case in which a predicate offense being used to enhance a subsequent prosecution took place prior to the judge taking office.

West Virginia Advisory Opinion (June 23, 1997)

A judge whose spouse is a member of the city council is not automatically disqualified from cases involving the city police department, but the relationship should be disclosed.

West Virginia Advisory Opinion (June 23, 1997)

A judge who feels he or she cannot render a fair and impartial decision in a case because of the judge's feelings about the attitude of one of the attorneys toward the court must recuse.

West Virginia Advisory Opinion (June 30, 1997)

A judge is disqualified from presiding over matters involving two local attorneys who are tenants in a building that is owned by the judge's spouse.

West Virginia Advisory Opinion (August 22, 1997)

A magistrate may not serve on the state fire commission.

West Virginia Advisory Opinion (August 29, 1997)

A judge may not attend the annual law enforcement appreciation dinner sponsored by the county crime-stoppers organization.

West Virginia Advisory Opinion (August 29, 1997)

A judicial circuit may hire as a probation officer the grandchild of a judge in the circuit where objective standards are being applied to the candidates, the judge-grandparent is not involved in the selection process, and the grandchild will not appear before the judge-grandparent or handle any cases in which the judge-grandparent presides.

West Virginia Advisory Opinion (September 4, 1997)

A judge may not write a letter at the request of another judge's lawyer about his or her impressions of the other judge to be submitted to the supreme court with the response to ethics charges.

West Virginia Advisory Opinion (October 1, 1997)

A judge may not be appointed to a local emergency services advisory council.

West Virginia Advisory Opinion (October 1, 1997)

A judge may not use a complaint filed with the Judicial Investigation Commission as the basis of a criminal warrant for false swearing or other legal action against the complainant.

West Virginia Advisory Opinion (October 1, 1997)

A judge may not be appointed by the governor to the board of directors of a group known as Empowering Residents to Achieve Scenic Excellence.

West Virginia Advisory Opinion (November 17, 1997)

A judge may accept an appointment to the board of advisors for a criminal justice program at a state college.

West Virginia Advisory Opinion (November 25, 1997)

A judge may appear one time on a talk radio show dealing with legal issues that is sponsored by a law firm provided the judge does not talk about specific matters or areas that may come before the judge and does not discuss any specific case.

West Virginia Advisory Opinion (December 11, 1997)

A judge may give an address regarding how juvenile cases are handled to an organization that studies juvenile justice but may not do so to an advocacy group.

West Virginia Advisory Opinion (December 11, 1997)

A judge's spouse should not serve on the advisory committee of a court appointed special advocate organization where the judge presides over all abuse and neglect cases filed in the county.

West Virginia Advisory Opinion (December 11, 1997)

A part-time family law master may represent litigants in adoption cases.

West Virginia Advisory Opinion (December 11, 1997)

A judge's fiancé may not continue to work as court reporter.

Wisconsin Advisory Opinion 97-1

A judge may sell for profit at a public event photographic art work that is signed using a pseudonym formed from the judge's first and middle name.

Wisconsin Advisory Opinion 97-2

A court commissioner whose spouse is hosting a political fund-raiser in their home is not required to leave the house unless the confines of the house are such that the commissioner would probably be seen by some of those in attendance and may perform household cleaning tasks both before and after the event, provide child care, prepare food, and replenish food and beverages while the activity is conducted as long as he or she will not be seen by those attending the event.

Wisconsin Advisory Opinion 97-3

A judge may testify as a fact witness and must testify as a character witness when subpoenaed.

Wisconsin Advisory Opinion 97-4

A newly-elected judge may lease office space to a lawyer as part of an agreement between the judge and the lawyer for the purchase of the judge's law practice for no more than a year after taking office.

Wisconsin Advisory Opinion 97-5

A judge may not oversee a local union's election of officers.

Wisconsin Advisory Opinion 97-6

A former judge who serves as a reserve judge may not use the title "judge" or designation "reserve judge" in advertising his or her services as a mediator, arbitrator, evaluator, or assessor.

Wisconsin Advisory Opinion 97-7

A candidate for judicial office may not solicit campaign funds from close friends and others, but a voluntary campaign committee may solicit on the candidate's behalf, and the candidate may enlist friends and others to serve on the campaign committee. A candidate for judicial office may not call a potential campaign contributor even if the candidate leaves the solicitation to someone else. A candidate for judicial office may solicit campaign funds from his or her spouse and members of his or her family.