



JUDICIAL INVESTIGATION COMMISSION

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January 28, 2000

JIC Advisory Opinion 2000-05

Dear Judge :

You recently asked the Judicial Investigation Commission for an advisory opinion regarding whether it would be proper for a graduating law school student to list you as a character reference for taking the state bar examination in the State of Virginia. The Commission has reviewed your request.

To address the question which you have presented the Commission reviewed Canon 2B of the Code of Judicial Conduct and the commentary following that Canon. The Canon and commentary state in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all the judge's activities.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.

January 28, 2000

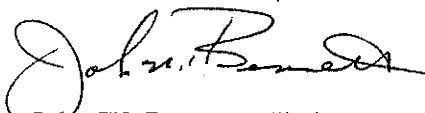
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The commentary following this section of Canon 2 states:

Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation on official letterhead, which need not bear the words "personal and unofficial." . . .

It is the opinion of the Commission based upon the language set forth in the Canon and the commentary following the Canon that you may be listed as a character reference for the graduating law student if the information you would provide about the student is based upon your personal knowledge. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,



John W. Bennett, Chairman

JWB:nb