



JUDICIAL INVESTIGATION COMMISSION

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June 30, 2000

JIC Advisory Opinion 2000-31

Dear Judge :

In a recent letter to the Judicial Investigation Commission you stated that you had been subpoenaed by _____, Esquire, on behalf of _____, for a hearing set on February 25, 2000. The hearing was continued and will be reset. You asked for an opinion regarding whether or not once subpoenaed you could submit a letter as substitution for a personal appearance. You stated that you had no problem with appearing telephonically or in person if given enough time to adjust your trial docket but thought that a letter might suffice, especially if the matter were to be heard via documentation and pleadings.

To address the question which you have raised, the Commission has reviewed Canon 2B of the Code of Judicial Conduct. This section of Canon 2 states:

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

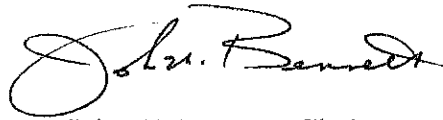
B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey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

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The commentary to this Canon states that a judge must not testify voluntarily as a character witness but states that a judge may testify when properly summoned. You indicated in your letter that you had received a subpoena from the attorney for . It is the opinion of the Commission that since you have already been subpoenaed you may submit a letter of substitution for a personal appearance. It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Bennett". The signature is fluid and cursive, with a large initial "J" and a stylized "B".

John W. Bennett, Chairman

JWB:nb