



JUDICIAL INVESTIGATION COMMISSION

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September 17, 2004

JIC Advisory Opinion 2004-22

Dear Judge :

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion regarding two questions. You stated that you have been asked to provide a reference for law school admission to a domestic violence advocate who regularly is involved in proceedings in your Court. You also stated that the same individual had invited you to speak at a one-day seminar sponsored by her agency which will be attended by domestic violence advocates and attorneys who provide *pro bono* legal services to alleged and/or actual victims of domestic violence in Family Court. You have been asked to address the topic, "What I as a Family Court Judge expect from attorneys in my Court." You state to your knowledge that an open invitation to the general Bar has not been and presumably will not be issued. You also state that you are concerned that your appearance at this program may indicate improper favoritism toward one segment of the Bar regarding a very significant portion of your caseload.

To address the questions which you have raised the Commission has reviewed Canon 2 of the Code of Judicial Conduct. That Canon states in relevant part:

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

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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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. . . .

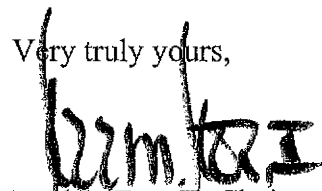
The commentary to Canon 2B states that, "*Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation on official letterhead, which need not bear the words 'personal and unofficial.'*"

Based upon the language contained in the commentary to Canon 2B, the Commission feels that you may write the letter of reference for the individual who has requested it.

The Commission however, feels that you should not speak at the one-day seminar based upon the information which you have stated in your letter. It would appear based upon this information that the seminar is being conducted, as you say, for one segment of the Bar and deals with a subject which provides a significant portion of your caseload. Based upon the fact that the seminar is not open to all members of the Bar, it would be best, in the opinion of the Commission that you not address it.

It is hoped that this information addresses the questions which you have raised. If there is any further question regarding these matters do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II", written over a horizontal line.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb