



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
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March 19, 2007

Re: JIC Advisory Opinion 2007-03

Dear

In a recent letter you requested an advisory opinion. In that correspondence you stated that you have been asked by an old and good friend, who is a family member of a person just convicted in Kentucky of some type of Manslaughter charge involving a traffic death as the result of an automobile collision, to write a letter addressed to the judge who will be imposing sentence. The letter will attest to the good character, outstanding traits and qualities and law-abiding nature of this young man who has never before been an offender and is a superb young lawyer. You have been advised the letter would be for parole or sentencing use. You asked the Commission for an advisory opinion regarding whether you would be allowed to write and send the letter.

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

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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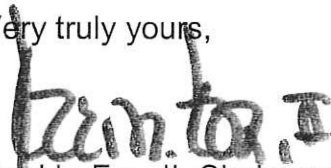
The commentary to this section of Canon 2 sheds further light upon the intent of the Canon and the issue which you have raised. The commentary says in relevant part:

[H]owever, a judge must not initiate the communication of information to a sentencing judge or a probation or corrections officer but may provide to such persons information for the record in response to a formal request.

Based upon the language contained in Canon 2B and the following commentary, it is the opinion of the Commission that unless you have a "formal request" seeking the type of information that you mentioned in your letter, the Canon would prevent you from initiating the communication of this information to the sentencing judge.

It is hoped that this opinion fully addresses the question which you have raised. If you have any further question regarding this matter, please do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, looped "F" and "L".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb