



JUDICIAL INVESTIGATION COMMISSION

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December 21, 2007

Re: JIC Advisory Opinion 2007-27

Dear ,

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You state that you are the Family Court Judge for the Family Court Circuit. You asked whether you could use the term "Judge" if you decide to run for judge of the circuit court.

Your request for an advisory opinion was discussed by the Judicial Investigation Commission at its recent meeting. The research which has been done to address your question indicates that an incumbent judge running for a different office should not use the term "Judge" in campaign materials without clearly indicating that he or she is a judge in a different court other than the one that is the subject of the campaign. In Re: Emrich, 665 N.E.2d 1133 (Ohio 1996). In this case the court ordered a county court judge who was running for probate court to cease and desist from using materials, literature, signs and buttons that implied that he was an incumbent probate judge. An Alabama advisory opinion (Alabama Advisory Opinion 98-718) states that a judge may use the title "Judge" in a campaign for a different judicial office as long as the judge identifies his or her current judicial position or indicates that he or she is not the incumbent in the current race. Two New Mexico advisory opinions (New Mexico Advisory Opinions 92-3; 02-1) state that a candidate who is a judge in a different court may wear robes and use the title if it is clear what judicial position the candidate currently holds and a probate judge who is running for magistrate court should not advertise himself/herself as a judge without identifying the court position that he or she currently holds.

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Based upon these matters, it is the opinion of the Judicial Investigation Commission that you may use the term Judge so long as you clearly identify the position which you currently hold during any campaign for a different judicial office. 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,

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

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