Advisory Committee on the Code of Judicial Conduct

Hon. Frank H. Allen, Jr., Chairman

April 3, 2002

Hon. Marie A. Baca Hon. James J. Wechsler Prof. William MacPherson

Re: Judicial Advisory Opinion 02-02

Dear

You have asked our opinion as to whether a Magistrate Judge who has no opposition in the primary election but has opposition in the general election can campaign prior to the primary with signs and other advertisement promoting his or her candidacy.

Candidates for Magistrate Judge in a partisan election, including the incumbent judges are permitted to participate in the electoral process subject to certain requirements. These requirements of what a candidate shall and shall not do are found in Rule 21-700 B (Candidates for Election to Judicial Office).

There is nothing in these requirements that prohibits a judicial candidate from campaigning in the primary, even though he or she does not have primary opposition.

A judicial candidate such as yourself should also be aware of Rule 21-800 D (Unopposed Candidates in Partisan Elections) which provides what the judicial candidates are required to do with uncommitted campaign funds where the candidate is unopposed or becomes unopposed in the campaign.

It is the committee's opinion that a magistrate judge who has opposition in the general election but not in the primary election is in a partisan contested election and may campaign in the primary election within the requirements of Rule 21-700 B.

Sincerely,

Frank H. Allen, Jr.

Chairperson Judicial Advisory Committee