Advisory Committee on the Code of Judicial Conduct

Hon. Frank H. Allen, Jr., Chairman
Hon. Marie A. Baca
Hon. James J. Wechsler
Prof. William MacPherson

April 3, 2002

Re: Judicial Advisory Opinion 02-04

Dear

You have asked our committee to give you an opinion as to whether a Municipal Judge can explain the function of the municipal court in short newspaper articles that would appear in the local newspaper .

Rule 21-500 B allows a judge to speak, write, lecture, teach and participate in other extra- judicial activities concerning the law, the legal system and the administration of justice subject to the requirements of the code.

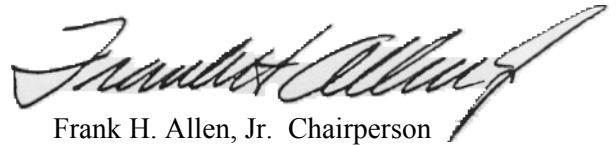The commentary to Paragraph B is helpful in answering your question.

Paragraph B. Avocational activities

As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary and the integrity of the legal profession….

The commentary also provides that the phrase "subject to the requirement of the code" found in Rule 21-500 B is used "notably in connection with the judge's governmental, civic or charitable activities. "

As long as the articles are written for the purpose of educating the public as to the operation of the municipal court, in a way that promotes public confidence in the judiciary and do not take time away from the writer's duties as a municipal judge, it is our opinion that such activity would not be in violation of the Code of Judicial Conduct.

Very truly yours,

Frank H. Allen, Jr. Chairperson
Judicial Advisory Committee

FHA/mah