

Advisory Committee on the Code of Judicial Conduct

Hon. Frank H. Allen, Jr. Chairman
Hon. Thomas A. Donnelly
Prof. William T. MacPhearson, Jr.
Hon. Marie Baca

July 27, 1995

Re: Judicial Advisory Opinion 95-03

Dear

You have requested an advisory opinion of this committee as to whether the _____ Court may grant permission to a photographer to display the Court's photograph in the photographer's studio. Your concern is found in SCRA 21-200B, which states in part,

"...A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others";

First of all it is our opinion that the court is not lending its prestige by allowing a photographer to display his ability by hanging a photograph in his studio. The potential client of the photographer who see the courts photograph would be more inclined to have his/her photograph taken because he/she likes the photographers work than because it happens to be the photograph of one or more justices.

But more important the sentence quoted above should be read with the other sentences of paragraph B which is entitled "Impartiality". Paragraph B requires that judges perform their duties impartially which means free of personal interest or bias. The thrust of SCRA 21-200 is that a judge to avoid impropriety and the appearance of impropriety must not lend the prestige of judicial office to advance the private interest of others which would indicate bias or prejudice, conflicting interests or a

Relationship which would unduly influence the judge. It is our opinion that permission to display a photograph of a judge or judges does not violate any of the above.

Finally, although the photograph may be displayed, it may not be done so with accompanying text or in any other manner that would create the appearance of endorsement or advertising by the _____ Court. See FL Advisory Opinion No. 87-3 (Issue 2; Apr. 30, 1987); OH Advisory Opinion No. 87-42 (Sept. 25, 1987).

Very truly yours,

Frank H. Allen, Jr.
District Judge, Division IV

FHA/mav