

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion clarifying the acceptable boundaries and providing guidelines for a judge's involvement with victim's rights groups. The Commission may only provide advisory opinions concerning "whether certain specified actions contemplated or proposed to be taken by (the judge) may constitute a violation of the canons of judicial ethics." Rule 17, Judicial Inquiry Commission Rules. The Commission is not authorized to issue broad guidelines on general topics, and, in fact, it would be impossible for it to predict and address all of the possible factual situations which might arise.

Your inquiry is controlled primarily by Canon 4, which provides as follows:

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not case doubt on his capacity to decide impartially any issue that may come before him:

- A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
- B. He may appear at a public hearing before an executive or legislative body or official and may otherwise consult with an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice.
- C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment. He may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

The Commentary to Canon 4 notes that a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, and is

encouraged to do so to the extent that his time permits, either independently or through an organization dedicated to the improvement of the law. The Commission has previously decided that a judge may participate as a member of the Attorney General's Task Force on Victims and Victims' Rights which was designed to evaluate current laws and efforts relating to victims and victims' rights (Advisory Opinion 87-294).

However, involvement with victims' rights groups might also call into play Canon 5B, Civil and Charitable Activities. See, Advisory Opinions 87-293 and 94-524, which are enclosed for your reference. Also, a judge should bear in mind that the canons must be construed and applied to further the objective of preserving the integrity and independence of the judiciary (Canon 1), and that a judge must avoid even the appearance of impropriety in all his actions and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 2A. Advisory Opinion 90-409 may be somewhat instructive in this regard and is enclosed for your reference.

Please advise the Commission if there is any specific contemplated or proposed action which you would like the Commission to address.