

can i or can't i?

extra-judicial activity and judicial leadership



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NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

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Ethics, Leadership, and Extrajudicial Activity

Alabama

**Judicial Inquiry
Commission
Opinion 04-831**

A judge may serve on the board of directors for a provider of court-ordered services because in this scenario the provider is the only provider and, therefore, no preference will be given to the provider.

**Judicial Inquiry
Commission
Opinion 02-789**

A judge may serve on a steering committee established by a domestic violence task force to plan and organize a fatality review team because the judge is planning and organizing rather than serving on the team, which would not be permitted. Service on the proposed steering committee would not reflect adversely upon the judge's impartiality. However, should the committee become engaged in activities that create an appearance that it is designed to assist in prosecution, an adverse reflection on the judge's impartiality would be created and the judge would have to resign from the committee.

**Judicial Inquiry
Commission
Advisory
Opinion 00-765**

A judge may serve on a local law enforcement block grant advisory board which has the stated intent of developing a team approach to solving community problems. The board includes representatives from groups with a recognized interest in criminal justice and crime/substance-abuse prevention and treatment and must include representatives from law enforcement, the prosecutor's office, the public school system, the court system, and a nonprofit educational, religious, or community group active in crime prevention or drug-use prevention or treatment. Quasi-judicial activities permitted under Canon 4 include consulting with executive bodies and making recommendations to public fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Ethics, Leadership, and Extrajudicial Activity

Alaska

Judicial Conduct Advisory Opinion 2001-01

Alaska judges may be members of the state Children's Justice Act task force if they limit their involvement to public policy positions that are appropriate for the courts and are not legislative or executive in nature. The task force has balanced membership, including both defense and prosecution, and appears to be chiefly concerned with administrative solutions to child abuse problems. [Also See Advisory Opinion 2000-1 (2000) below.]

Judicial Conduct Advisory Opinion 2000-01 (2000)

A judge may serve on a local juvenile justice citizens' advisory committee for the juvenile corrections facility. The purpose is to improve the administration of justice; it is composed of a cross-section of interested parties who will not be advocates for any particular single interest; and the group will be limited to administrative concerns.

Judicial Conduct Advisory Opinion 2000-01 (2000)

A superior court judge may not serve on a community committee to plan for a child advocacy center for child victims of physical or sexual abuse because the planning committee's membership is prosecutorial in nature and the group appears to be fundamentally an advocacy group despite the purely administrative function of the committee.

Alaska Advisory Opinion #2000-01 set out four factors for judges to consider when determining whether it is within the activities allowed by the code:

- whether its members represent only one point of view or whether membership in the group is balanced;
- whether the group will discuss controversial legal issues, issues likely to come before the courts, or merely administrative or procedural concerns;
- whether the group will be viewed by the public as a political or an advocacy group or merely as an administrative group; and
- whether the group will take public policy positions that are more appropriate to the other two branches of government than to the courts or whether the policy positions could be viewed as clearly central to the administration of justice.

<http://www.acjc.alaska.gov/advopinions.html#2000-01>

<http://www.acjc.alaska.gov/advopinions.html#2001-01>

Ethics, Leadership, and Extrajudicial Activity

Arizona

**Judicial Ethics
Advisory
Opinion 97-06
(1997)**

A judge may not serve as a member of the Tucson-Pima County Domestic Violence Commission because various documents related to the commission revealed "that the commission's agenda includes attempts to influence law enforcement, prosecutors, and the judiciary in their handling of domestic violence cases. Also apparent is the pro-victim mind-set which the commission was created to propound. The committee concluded that the commission appeared "to be too agenda-driven and advocacy-oriented for suitable involvement of the judiciary." Central to the opinion was the fact that the commission had a specific agenda: advocacy for victims of domestic violence and concluded that judges may not serve on the commission, even on a limited basis, because the commission was not solely concerned with "the improvement of the law, the legal system, or the administration of justice."

<http://www.azcourts.gov/azcjc/Judicial-Ethics-Advisory-Opinions>

Ethics, Leadership, and Extrajudicial Activity

Arkansas

**Judicial Ethics
Advisory
Committee
Opinion
2003-02 (2003)**

A judge may serve on the Arkansas Commission on Child Abuse, Rape, and Domestic Violence or act as its chair because the commission is concerned with the improvement of the law, the legal system, or the administration of justice. However, the Committee outlined some functions the judge could not perform, such as reviewing instances of child deaths.

**Judicial Ethics
Advisory
Committee
Opinion 94-01
(1994)**

A judge may participate in an upcoming bond election in which the voters of Benton County will decide whether to increase the sales tax to pay for a new courthouse and jail. The prohibition against political activity by judges does not extend to measures involving the legal system or the administration of justice. In those areas the judge is in a unique position to contribute to public debate and discussion. Issues involving courthouses and related funding have traditionally been included within the scope of "the administration of justice." See In Re Chambliss, 516 So. 2d 506 (Mississippi 1987) (judge may participate in bond election when related to the administration of justice); Matter of Staples, 719 P. 2d 559 (Washington 1986) (judge who took a vocal stand on controversial issues involving movement of county seat did not violate judicial ethics). In addition, a judge is not prohibited from being a member of a committee formed to promote passage of the sales tax. Canon 4C (3) permits a judge to serve as a member or officer of an organization devoted to the administration of justice. The Canon does limit involvement in fund-raising activities of the committee.

<http://www.accessarkansas.org/jeac/index.html>

Ethics, Leadership, and Extrajudicial Activity

California

**Judges
Association
Committee on
Judicial Ethics
Opinion 61
(2008)**

A judge may serve on an advisory committee of a government or non-profit entity but a judge first must first inquire whether service would be appropriate. For example, a judge may not serve on an advisory committee to the Children's Assessment Center, a division of Family Court Services, because the organization screens children who are alleged child abuse victims and sends them to the Center to be evaluated by doctors and social workers who make findings regarding the alleged abuse. Those findings are presented in court. On the other hand, a judge may serve as a member of an advisory committee of the Youth Law Academy, an organization dedicated to encouraging high school students to enter the profession of law by providing scholarships and training in legal issues.

**Judges
Association
Committee on
Judicial Ethics
Opinion No. 46
(1997)**

A judge may participate in the Domestic Violence Council, a non-profit corporation that includes representatives from the courts, district attorney, public defender, county counsel, police, probation, and the bar association. The organization promotes public awareness and education about domestic violence and sponsors an annual conference with the Judicial Council. It does not engage in political activity or promote legislation. The committee noted that a judge has an "affirmative duty" to learn "sufficient" information about the organization or government board so the judge can determine whether participation would violate the Code of Judicial Ethics. [Canon(s) 4B, 4C(3)(a)(b)]

<http://www.caljudges.org/EthicsOpinion.asp>

Ethics, Leadership, and Extrajudicial Activity

Colorado

**Judicial Ethics
Advisory Board
2016-02A**

A judge may serve on the board of directors of the Joint Initiatives for Youth and Families, even if the board engages in legislative advocacy benefitting children and families, provided that doing so would not lead to his or her frequent disqualification or otherwise interfere with his or her ability to perform judicial duties. The judge must ensure that his or her activities as a board member do not undermine his or her impartiality, give rise to the appearance of impropriety, or violate other provisions of the Code.

**Judicial Ethics
Advisory Board
2013-01 (2013)**

A judge may serve on the board of directors of Colorado Organization for Victim Assistance, a nonprofit organization whose membership includes personnel from the criminal justice system, nonprofit organizations providing assistance to victims of crime, survivors of crime, concerned citizens, and members of allied professions (human services, education, mental health, clergy, etc.) provided doing so would not lead to his or her frequent disqualification or otherwise interfere with his ability to perform his or her judicial duties. The judge must ensure that his or her activities as a board member do not undermine his or her impartiality, give rise to the appearance of impropriety, or violate other provisions of the Code.

**Judicial Ethics
Advisory Board
2012-05 (2012)**

A judge may participate on the Colorado Department of Human Services Child Welfare Executive Leadership Council even though the judge regularly presides over dependency, neglect, and other proceedings in which the Denver Department of Human Services may be a party. In light of the Colorado Supreme Court's directive that an extrajudicial activity concern the law, the legal system, or the administration of justice should be broadly applied, the committee concludes that "all that is required is that the work of the governmental committee, board, or commission bear some relationship to how courts go about performing their statutory or constitutional duties, even if its law-related work is just one aspect of a more wide ranging policy-making mission or focus. Applying that expansive test to the current request, we conclude that at least some of the Council's work is related to the law, the legal system, or the administration of justice. Specifically, the Council's work in furtherance of the state's Child Welfare Plan, particularly its involvement in proposing "strategies to prevent abuse and neglect, prevent re-entry, reduce disproportionality and disparities, and advance post-permanency supports for children and youth in the child welfare system," has some relationship to dependency and neglect proceedings and other aspects of the legal system.

<https://www.courts.state.co.us/Jury/Index.cfm>

Ethics, Leadership, and Extrajudicial Activity

Connecticut	<p>Formal Advisory Opinion JE 2011-21</p> <p>Informal opinion 2011-02 through 05</p> <p>Judicial Ethics Opinion 2009-10 (2009)</p>	<p>A judge may not assist with the organizational effort to establish Connecticut's first Family Justice Center created to provide a full range of services to victims of sexual assault and domestic violence. Even though the goals of the center are laudable, the organization appears to be heavily one-sided in nature. Based upon the facts presented, including the victim-centered focus of the FJC, the composition of its membership (which lacks defense representation), and its potential for advocacy, the Committee determined that the judge should decline to assist with the organizational effort because it would cast doubt on the judicial official's impartiality in violation of Rule 1.2.</p> <p>The Committee majority adopted the position, as articulated in ethics opinions from other jurisdictions, that in order for a governmental committee or commission to qualify as one that concerns the law, the legal system, or the administration of justice, "there must be a direct nexus between what a governmental commission does and how the court system meets its statutory and constitutional responsibilities – in other words, how the courts go about their business."</p> <p>A judge may not serve on the board of directors for Greater Hartford Legal Aid because the likelihood that the organization would be involved in litigation in front of the judge is great, and the organization makes policy decisions that may have political significance or imply commitment to causes that may come before the court, and the judge's involvement with the organization would reflect adversely on the judge's impartiality.</p> <p>https://www.jud.ct.gov/Committees/ethics/summaries.htm#2008</p>
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Ethics, Leadership, and Extrajudicial Activity

Delaware

**Judicial Ethics
Advisory
Committee
Opinion 2012-1**

A judge may not participate on the Child Placement Review Board because the activities of the board lack the “sufficient direct connection” to the improvement of the legal system. A judge's service on the board could associate the judge with the protection of a particular group of citizens rather than the improvement of the legal system as a whole. Additionally, the decisions of the Review Board may generate controversy that would make judicial involvement inappropriate under the Code. Finally, the Review Board must make findings of fact, submit evidence, and appear in adversarial proceedings in the Delaware courts, making the participation of a judicial officer in the Review Board's activities inappropriate.

**Judicial Ethics
Advisory
Committee
Opinion 2006-7**

A judge may not participate on the Child Placement Review Board because the activities of the board lack the “sufficient direct connection” to the improvement of the legal system required by the Code of Conduct. A judge's service on the Review Board could associate the judge with the protection of a particular group of citizens rather than the improvement of the legal system as a whole. Additionally, the decisions of the Review Board may generate controversy that would make judicial involvement inappropriate under the Code. Finally, the Review Board must make findings of fact, submit evidence, and appear in adversarial proceedings in the Delaware courts, making the participation of a judicial officer in the Review Board's activities inappropriate.

<http://courts.delaware.gov/jeac/>

Ethics, Leadership, and Extrajudicial Activity

Florida

Judicial Ethics Advisory Opinions Compilation Addendum 2012

There is no conflict of interest for judges to be members of a domestic violence council if other members of the council operate batterer intervention programs. In Florida, these programs are ordered as conditions of probation or as part of a protection order. Because the judge receives no financial gain or other benefit by requiring a person to attend a BIP, and the person has the option to choose which BIP to attend, there is no appearance of the judge lending the prestige of the judicial office to further a private interest. It is also appropriate for members of the judiciary to attend meetings and answer questions about court procedures. A judge may accept an appointment by the local legislative body to its advisory commission on the status of women as long as the commission is concerned with the improvement of the law, the legal system, or the administration of justice and the group is not an advocacy group. A judge may not serve on a committee of a domestic violence organization that encourages lawyers to provide pro bono services because to do so would increase the private interests (helping battered women) of a private organization.

Judicial Ethics Advisory Committee Opinion 2001-14

A judge may not serve on any advocacy group. In this particular case, the group strayed from its original mission of working toward the prevention of family violence, promoting victim safety, and reducing the impact of family violence on individuals, communities and society, through cultural competence, education, support, advocacy, and referral. The group began conducting court watch activities and using the information gathered to affect the judiciary.

Judicial Ethics Opinion 95-14 (1995)

A judge may serve on an implementation Committee for the Governor's Task Force on Domestic Violence while serving as an administrative judge in the county's Domestic Violence Department. In [Opinion 94-33](#), this Committee indicated that service on the Governor's Task Force on Domestic Violence was ethically permissible with the understanding that the activities of the task force were "law related and gender neutral." In [Opinion 94-38](#), although the Committee found that under those particular circumstances the inquiring judge should not participate, the Committee noted the following: Although there is no blanket prohibition on a judge serving on a domestic violence task force, in light of the caveat in the comments to Canon 5B(1)(a) that a judge must regularly re-examine the propriety of continued membership in an organization, six members of the Committee believe that the reputation and activism of the leadership or make-up of an organization concerning racial, ethnic, and gender issues and the resulting perceived impression of the agenda of the organization within a community are valid and proper factors for a judge to consider in evaluating membership. The current assignment of a judge and the frequency of the appearance of the organization or its membership in court are also factors which must be considered on a case by case basis.

<http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jecopinions/jecac.html>

Ethics, Leadership, and Extrajudicial Activity

Idaho

**Summary of
Informal Ethics
Advisory
Opinions 2014 –
19 (2014)**

**Summary of
Informal Ethics
Advisory
Opinion
2013-13**

A judge is allowed to consult with an executive branch body only on matters concerning the law, the legal system, or the administration of justice. A judge may not accept an appointment to any governmental committee, commission, or position if the appointment will be concerned with the issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. Here the state statute requires the judge be a member of the board. Any judge accepting such an appointment must specify in his/her acceptance that "per INFORMAL ETHICS OPINIONS (2014) – 4, as a member of the judicial branch, my appointment to this board is limited to issues that arise concerning the law, the legal system, or the administration of justice and I will not be asked to consider nor can I discuss matters of state policy or agency decision-making as I lack authority to consider or discuss the same."

A judge may serve on a committee having to do with domestic and sexual violence if done without casting reasonable doubt upon the judge's ability to act impartially in domestic violence cases. Here, the judge's membership could be seen as implying a commitment to an organization and the principles that it advocates. Upon further inquiry, it was discovered that this particular group is a pro law enforcement advocacy organization. Thus the judge's involvement would unfairly cast him as being a member of the law enforcement community rather than the one who should have no allegiances and is interested only in the impartial application of the law. The judge should not be a member of this particular committee.

<https://isc.idaho.gov/links/2014%20Informal%20Ethics%20Advisory%20Opinions%20FINAL.PDF>
[https://isc.idaho.gov/links/
2013%20Informal%20Ethics%20Advisory%20Opinions%20%20Running%20Total.pdf](https://isc.idaho.gov/links/2013%20Informal%20Ethics%20Advisory%20Opinions%20%20Running%20Total.pdf)

Ethics, Leadership, and Extrajudicial Activity

Illinois

**Judicial Ethics
Committee
Opinion 05-05
(2005)**

A judge may serve on the board of directors for a non-profit organized for the purpose of promoting responsible fatherhood because the organization does not engage in political activity nor will it likely be in litigation in front of the judge. In serving, the judge must ensure that he or she will not engage in any prohibited activity.

**Judicial Ethics
Committee
Opinion 01-10
(2001)**

A judge may serve as a board member of an organization dedicated to promoting drug court. Drug court was established in Illinois pursuant to a grant by the federal government under the Omnibus Crime Control and Safe Streets Act of 1968 and at the direction of the Illinois Supreme Court. It reflects the court's desire to help rehabilitate drug addicted offenders and to keep them out of the correctional system. A judge is permitted to serve as a board member of an organization whose purpose is to enhance the quality and the operation of the judicial system and the expertise of the people who work in that system. The goals of the organization are consistent with Illinois law and policy. A judge's participation in this organization would not affect public confidence or his or her impartiality and would not violate the Code of Judicial Conduct.

**Judicial Ethics
Committee
Opinion 98-01
(1998)**

The chief judge and other judges in the circuit have been asked to convene and work with a family violence coordinating council, a multi-disciplinary body that includes representatives from law enforcement, prosecutors, public defenders, health service providers, the clergy and the education system. The council provides a forum for community representatives to develop systems, approaches, protocols and policies through cooperation and collaboration for family violence prevention treatment. The council is convened through judicial leadership to stimulate coordination among all aspects of the justice system and its work is done through various committees. A judge may serve on a broad-based family violence coordinating council that studies and proposes procedures for addressing issues of domestic violence.

<http://www.ija.org/judicial-ethics-committee>

Ethics, Leadership, and Extrajudicial Activity

Maine

**Judicial Ethics
Advisory
Opinion 07-1
(2007)**

A judge may participate on the Standing Committee on Children and Family (formerly known as the Court Services Advisory Committee) via a court committee assignment made by the chief judge. There is a clear distinction between actions taken by a judge acting in a judicial capacity and actions that are administrative in nature, and the assignment involves matters concerning the law, the legal system, and the administration of justice.

Ethics, Leadership, and Extrajudicial Activity

Maryland

**Judicial Ethics
Committee
2009-02 (2009)**

A judge may accept an appointment to the Maryland Children's Justice Act Committee but a judge's responsibilities on the committee must be related to the administration of justice and the improvement of law and must not be executive or legislative in nature. Of note, this committee conducts fatality reviews. Judges should not examine and critique the policies and practices of social and law enforcement agencies. Furthermore, conclusions resulting from fatality reviews may find their way into court in civil suits claiming the negligence of an agency in a particular case or in many cases involving that agency. As such, a judge should not participate in those duties.

<http://www.courts.state.md.us/ethics/>

Ethics, Leadership, and Extrajudicial Activity

Massachusetts

**Judicial Ethics
Opinion
2014-4 (2014)**

A judge may not serve on the Juvenile Life Sentence Commission because first, its stated purpose of developing an evaluation process for the parole board to use when making certain parole decisions serves the interest of an executive agency rather than the law, the legal system, or the administration of justice; and second, the evaluation process that the Juvenile Life Sentence Commission develops may be the subject of litigation.

A judge may not serve on the domestic violence state review team because its clear focus and unbalanced make-up could convey the impression that domestic violence victims have a special position of influence with the judiciary and that the judiciary is aligned with the interests of law enforcement and the prosecution. If, in fact, the statute did concern both defendants and victims, the question of a judge's participation might be a closer one. The statute, however, has a very clear focus upon and tilt toward victims of domestic violence, and the team's members are overwhelmingly representatives of law enforcement and the prosecution.

A judge may consult with the Juvenile Life Sentence Commission and the Domestic Violence State Review Team on discrete matters that concern the business of the courts as long as the judge makes the limited participation clear in reports and any records the commissions produce.

<http://www.mass.gov/courts/case-legal-res/ethics-opinions/judicial-ethics-opinions/cje-chrono-index-gen.html>

Ethics, Leadership, and Extrajudicial Activity

Minnesota

**Board on
Judicial
Standards
Advisory
Opinion
2014–2
(2014) ;
revised July 8,
2016**

This comprehensive opinion addresses only governmental committees or commissions and references informal opinions issued by the board approving a judge's participation in a statewide family violence council and a 2014 opinion approving a judge's service on the Minnesota Children's Justice Task Force. "Within the limits of what is permitted under the Code, the Board generally wishes to encourage judicial service on governmental entities that are concerned with the law, the legal system, or the administration of justice." The informal opinion allows participation with caveats specific to the request.

<http://www.bjs.state.mn.us/opinions-and-education>

Ethics, Leadership, and Extrajudicial Activity

Nevada

**Standing
Commission
on Judicial
Discipline
Opinion JE
2011-007
(2011)**

A judge may not participate in a multidisciplinary team created by statute to review deaths caused by domestic violence. The purpose of the domestic violence multidisciplinary team is to further the "underlying objectives of prevention, preserving safety of battered women, holding perpetrators accountable, and assessing whether victims utilized local or statewide services", as well as to "enhance a community's coordinated response" to incidents of domestic violence. Even if the purpose of the multidisciplinary team could be construed as having a direct nexus to the law, legal system, or administration of justice as intended by Rule 3.4, the Committee concluded that a judge's participation on the multidisciplinary team creates an appearance that could reasonably call into question a judge's impartiality and would likely lead to frequent disqualification. The critical issues are: (i) Is the function of the team related to the law, legal system, and administration, and (ii) Whether participation on a multidisciplinary domestic violence fatality review team appears to undermine a judge's independence and impartiality and will likely lead to disqualification contrary to Rule 3.1. Looking to similar ethics issues from a number of states the commission found that the team was more of a quasi-legislative policy making body whose purpose did not provide the nexus to the law, legal system, or the administration of justice.

**Standing
Committee
on Judicial
Ethics and
Election
Practices
JE09-002
(2009)**

A district judge may accept an appointment to serve on the board of directors of a non-profit organization that provides support services to victims of domestic violence, including a court advocacy program assisting victims with applications for temporary protection orders and stalking orders before the justice courts. In order for a judge to be able to do this, the judge must determine that the organization will not be engaged in matters coming before the judge, or in matters that will be, basically, in any court in the district. A judge must also determine that serving will not cast reasonable doubt on a judge's capacity to act impartially or interfere with a judge's judicial duties. Otherwise, the answer is no.

<http://judicial.nv.gov/uploadedFiles/judicialnvgov/content/Standing/Opinions>

Ethics, Leadership, and Extrajudicial Activity

**Nevada
(continued)**

**Standing
Commission
on Judicial
Ethics
Opinion JE
08-015 (2008)**

May a judge may serve on the Nevada Council for the Prevention of Domestic Violence? The Council is an advisory body and is focused on the general improvement of the law and legal services, not on advocacy, specific issues, or cases. However, a judge who presides over domestic violence cases must disclose his or her membership on the Council if he or she believes that participation may "cast reasonable doubt" on his or her impartiality when dealing with domestic violence cases.

**Standing
Committee
on Judicial
Ethics and
Election
Practices
Opinion
JE00-005
(2000)**

A domestic violence commissioner may serve on the local domestic violence fatality review board. The purpose of the program is to improve the professional competence of the participants and to formulate recommendations to improve the legal system and is intended to provide education to participants in performing their professional duties in adjudicating domestic violence cases and in formulating recommendations for the improvement of the legal system and administration of justice. The commission cautioned that a judge should exercise reasonable and necessary prudence to avoid participating in reviews of cases that are currently before the court or are likely to come before the court in which the commissioner serves. [Also see JE11-007 above.]

Ethics, Leadership, and Extrajudicial Activity

New Jersey

**Opinion
No. 15-03
(2003)**

A judge may participate in a domestic violence symposium entitled Family Violence Through the Life Cycle sponsored by the Jewish Renaissance, a non-profit that assists Jewish immigrants. The judge must restrict the presentation to the role of the court in processing cases and the volume of domestic violence cases in court. The judge must not discuss specific cases.

**Opinion
No. 25-01
(2001)**

A judge may not be the guest speaker at a coalition of domestic violence crisis team's quarterly meeting. Speaking at the meeting could create a perception of partiality toward domestic violence complainants, and the attendees will only be members of the domestic violence crisis teams from the judge's county.

The opinions are from the 2007 Annotated Guidelines for Extrajudicial Activities, published periodically by the Supreme Court of New Jersey, Advisory Committee on Extrajudicial Activities.

Ethics, Leadership, and Extrajudicial Activity

New Mexico

**Supreme
Court
Advisory
Committee
Opinion 15-1
(2015)**

A judge may serve on a county youth development program task force. The purpose of the task force is "to rectify and enhance the current quality of services to youth." The other members of the task force include a management employee of the county public safety department; the county clerk; a representative of the community; an appointee of a local community foundation; an employee of the New Mexico Children, Youth and Families Department, Juvenile Services Division; an appointee of the district attorney; and a representative of the public defender's office. The composition of the task force appears to be designed to be inclusive and includes representation from the different groups that appear in juvenile proceedings. As such, it does not give rise to either an appearance of partiality or a basis for disqualification in a case as long as the judge continues to scrutinize the work of the task force to ensure that circumstances do not place the judge in a position in which independence, integrity, or impartiality might be compromised.

**Supreme
Court
Advisory
Committee
Opinion 06-2
(2002)**

A judge may participate on a domestic violence fatality review team. The duties and membership argue in favor of participation, but the Committee cautioned the judge that if the team appears no longer to maintain its neutral and unbiased scientific approach to the issues it considers, participating may cast doubt on the judge's capacity to act impartially as a judge.

<http://jec.unm.edu/manuals-resources/advisory-opinions>

Ethics, Leadership, and Extrajudicial Activity

New York	Advisory Committee on Judicial Ethics Joint Opinion 12-181/12-182 (2012)	<p>A judge may serve on a domestic violence fatality review team, subject to certain limitations. The domestic violence fatality review team is legislatively mandated to analyze “the domestic violence-related death or near death of individuals, with the goal of: (i) examining the trends and patterns of domestic violence-related fatalities in New York state; (ii) educating the public, service providers, and policymakers about domestic violence fatalities and strategies for intervention and prevention; and (iii) recommending policies, practices, procedures, and services to reduce fatalities due to domestic violence.” The statute requires judicial representation. The committee noted that the review team is not an advocacy group. The team reviews only “deaths or near deaths in cases that have been adjudicated and have received a final judgment and that are not under investigation.” In participating on the review team, a judge should, of course, observe all applicable ethical limitations, including the prohibition on public comment on pending or impending matters (<i>see</i> 22 NYCRR 100.3[B] [8]).</p>
	Advisory Committee on Judicial Ethics Opinion 06-108 (2006)	<p>A judge may not serve as a member of a domestic violence task force that, among other things, seeks to promote “victim safety and offender accountability.” In light of the overall composition of the group’s membership and general focus, including the lack of defense bar representation and especially the task force’s stated intent to increase offender accountability, the committee held that a judge should not participate in the task force. “A pivotal issue in all such matters is whether a judge’s participation would cast doubt on the judge’s impartiality. Actively aligning oneself with an organization intended to promote “offender accountability” could readily cast “reasonable doubt on the judge’s capacity to act impartially as a judge.”</p>
	Advisory Committee on Judicial Ethics Opinion 04-59 (2004)	<p>A judge may serve on a domestic violence task force that includes representatives from local police agencies, the district attorney’s staff, the public defender’s staff, social services agencies, family court representatives, and several judges (Opinion 95-34 [Vol. XIII]). In contrast, however, this Committee has concluded that a judge should not serve as a member of the following groups: (1) a subcommittee that would attempt to formulate policy for retrieving personal property of a respondent who is the subject of an order of protection in a domestic violence case (Opinion 99-61 [Vol. XVIII]); (2) as a member of a domestic violence community coordinating council that is engaged heavily in advocacy on behalf of domestic violence victims (Opinion 99-46 [Vol. XVII]); or, (3) as a member of a criminal justice focus group intended to develop protocols and mission statements for the local county coalition against domestic violence and sexual assault (Opinion 00-54/56 [Vol. XIX]). With respect to these latter groups, a judge’s participation could create an appearance of impropriety and cast doubt on the judge’s ability to act impartially.</p>

Ethics, Leadership, and Extrajudicial Activity

North
Carolina

**Administrative
Office of the
Court
publishes
*North Carolina
Domestic
Violence Best
Practices
Guide for
District Court
Judges* (2010
and revised in
2012)**

[See
[http://
www.nccourts.
org/Citizens/
CPrograms/
Victims/
Documents/
DVBestPractice
sGuide.pdf](http://www.nccourts.org/Citizens/CPrograms/Victims/Documents/DVBestPracticesGuide.pdf)]

There were no opinions on extrajudicial activities since the code was amended in 2007. However, the Administrative Office of the Court publishes *North Carolina Domestic Violence Best Practices Guide for District Court Judges* (2010 and revised in 2012), which states that the chief district court judge, or a designated lead district court judge, should convene court staff and community partners on a regular basis to review and discuss how the court and community system is working to meet the unique needs arising out of domestic violence cases. Meetings should occur annually or when significant changes are made to how civil or criminal domestic violence cases are handled. Suggested committee members: judges, clerks, prosecutors, law enforcement officers, particularly from the agency that provides court security, guardians *ad litem*, custody mediators, attorneys including private defense attorneys, public defenders and Legal Aid, domestic violence advocates, abuser treatment program staff, probation officers, substance abuse and mental health treatment providers, other providers involved in domestic violence cases. Suggested agenda items for discussion by each local domestic violence advisory committee: review of local data, local rules, especially any modifications, and protocol including making reports to the local department of social services; evaluation of safety and security in courtrooms and the courthouse (see Section 1, Court Safety and Security); discussion and identification of standard practices that all judges can agree to institute, such as addressing custody, visitation, and ordering child support and spousal support; and review of local domestic violence agency services.

<http://www.nccourts.org/Courts/CRS/Councils/JudicialStandards/Opinions.asp>

Ethics, Leadership, and Extrajudicial Activity

Ohio	Board of Commissioners on Grievances and Discipline Opinion 2002-09 (2002)	A judge may not serve as an appointed member of a county Family and Children First Council, a government entity that is directly concerned with issues of facts or policy on matters other than the improvement of the law, the legal system, or the administration of justice.
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Ethics, Leadership, and Extrajudicial Activity

Oklahoma

**Judicial Ethics
Advisory
Panel
Opinion 98-1
(1998)**

A Task Force on Domestic Violence is an organization devoted to the improvement of the law, the legal system, or the administration of justice. However, it is an organization that will frequently be engaged in proceedings that would ordinarily come before a judge or will be engaged frequently in adversary proceedings in the court of which the judge is a member. The judge could not serve on the Task Force on Domestic Violence as either an officer, director, trustee, or non-legal advisor.

A judge should not write and make applications from grants and funding to governmental agencies for a Task Force on Domestic Violence, particularly if he or she hears domestic violence cases on a regular basis. The panel concluded that a general rule on this question is difficult because Canon 4 does provide that a judge may serve as an officer, director, trustee, or non-legal advisor and may assist certain organizations involved in governmental, civic, or charitable activities in planning fund raising and may participate in the management and investment of the organization's funds. But a judge must use great caution before participating in organizations whose mission is not clear and specific and where fund raising is involved.

<http://www.oscn.net/applications/oscn/index.asp?ftdb=STOKCSJE&level=1>

Ethics, Leadership, and Extrajudicial Activity

**South
Carolina**

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion NO.
6-2017**

A full-time magistrate judge may serve on the board of directors for a non-profit organization that addresses issues of aging. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 4 specifically addresses extra judicial activities. It requires that a judge regulate them to minimize the risk of conflict with judicial activities. However, a judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for profit. A judge shall not serve as an officer, director, trustee, or non-legal advisor if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge, or will be engaged frequently in adversary proceedings in the court of which the judge is a member. The organization is a non-profit or charitable organization dedicated to issues involving aging and it does not appear that the organization would be engaged in frequent proceedings before the magistrate court. Thus, a judge is not prohibited from serving on the board of directors. While the facts presented do not indicate if the organization participates in fund-raising, the judge should be mindful that a judge cannot directly participate in any fundraising activity.

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion NO.
18-2009**

A judge may not serve on the board of directors for a non-profit organization that provides prevention, intervention, and support services to sexually abused children and adults. A non-profit organization that serves as an advocate for victims of sexual abuse is an organization that could be engaged in proceedings that would ordinarily come before the judge. Furthermore, serving on the board of directors for such an organization could create an appearance of impropriety and could cause doubt as to the impartiality of the judge. Thus, a magistrate judge should not serve on the board of directors for a non-profit organization that serves as an advocate for victims of sexual abuse in the community.

<http://www.sccourts.org/advisoryOpinions/>

Ethics, Leadership, and Extrajudicial Activity

**South
Carolina
(continued)**

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion NO.
23-2006**

A judge may serve on a local DUI advisory task force, which will include attorneys from the solicitor's office and the defense bar, as well as participants from the sheriff's department, probation department, and magistrates court. The task force would discuss the problems of how to improve the disposition of criminal and traffic cases, including the issuance of subpoenas, facilitating discovery, and the increased caseload that results from concentrated law enforcement activity. As a judicial officer and a 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. According to the facts presented, the task force will contribute to the improvement of the law, the legal system, and the administration of justice with regard to criminal DUI cases. Therefore, a judge is not prohibited from serving on the task force.

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion NO.
20-2001**

A family court judge may participate as a member of a leadership forum team whose goal is to develop state level collaboration among public child welfare agencies, domestic violence agencies, and juvenile and family courts through funding from the U.S. Department of Health and Human Services and the Edna McConnell Clark Foundation. Although the close collaboration between public child welfare agencies, domestic violence agencies, and family and juvenile courts in a leadership team forum causes concern that a judge's participation may disrespect the integrity and impartiality of the judiciary, the benefits gained by the legal system outweigh this slight concern in this particular situation. A judge must avoid all impropriety and appearance of impropriety. The test for the appearance of impropriety is whether the conduct would create in reasonable minds the perception that a judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired. In certain cases, a judge's collaboration with several related state agency representatives may create an appearance of impropriety. However, in the immediate situation, through participation in the forum, the judge will be working to improve the legal system which is encouraged by Canon 4B. Because the legal system could highly benefit from this forum, and the threat of impropriety is small in this situation, an exception should be made to allow a judge's participation.

Ethics, Leadership, and Extrajudicial Activity

**South
Carolina
(continued)**

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion
16-2000 (2000)**

A judge may not serve on a government-appointed task force that addresses domestic violence. The committee's duties (promotion of legislation, among them) would lead to the appearance of impropriety.

**Advisory
Committee on
Standards of
Judicial
Conduct
Opinion
8-1996 (1996)**

A judge may serve on the Court Coordination Sub-committee of the South Carolina Children's Justice Act Task Force because the Sub-committee is designed to address narrowly matters concerning the administration of justice. In the past, this Committee has been reluctant to allow judges to serve on governmental advisory committees because the scope of the judge's involvement was vague and could extend into issues of fact or policy matters other than the improvement of the law, the legal system, and the administration of justice. A judge may serve on the Court Coordination Sub-Committee of the South Carolina Children's Justice Act Task Force because he or she knows before accepting the position that the Sub-Committee is designed to address narrowly matters concerning the administration of justice.

Ethics, Leadership, and Extrajudicial Activity

Utah

**Utah Advisory
Committee
Informal
Opinion 16-03**

**Ethics Advisory
Committee
Informal
Opinion NO.
88-2 (1988)**

A judge may not serve on the Council of the NJDC, a nonprofit organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. The Council appears to address issues involving the law, the legal system, and the administration of justice. However, there is nevertheless a question as to whether participation would undermine, or appear to undermine, a judge's independence or impartiality. Although the composition of the Council is neutral in that it consists only of judges, it is directly tied to an organization that is not neutral. Unlike the Children's Justice Center in Informal Opinion 98-4, the NJDC does not have a multi-disciplinary focus and instead focuses on juvenile defense. Although the NJDC apparently collaborates with others involved in juvenile justice, the NJDC itself is limited to juvenile defense and therefore the Council's direct connection to the organization means that service on the Council is prohibited.

A judge may participate in the Salt Lake County Child Abuse Coordinating Committee (CACC). The CACC was established by various state and local government agencies to coordinate policies and procedures among government agencies dealing with child abuse cases. The CACC is charged with improving the management of cases in the system to achieve justice for victims and perpetrators of child abuse, which the Committee noted was a "purpose which expresses concern for the improvement of the law, the legal system, and the administration of justice. The Code permits participation on the CACC if the committee's activities are limited to the improvement of the law, the legal system, or the administration of justice. However, the Committee noted, where the activities of the CACC involve issues of fact and policy on matters unrelated to the legal system, the Code prohibits a judge from participating as a member of the committee. The judge was permitted to serve on the board because the board was composed of members from across the spectrum of juvenile court practitioners, and because the primary purpose of the centers was a multi-disciplinary approach to child abuse. The judge was not permitted to participate in discussions involving prosecutorial tactics.

<https://www.utcourts.gov/resources/ethadv/ethics/index.asp>

Ethics, Leadership, and Extrajudicial Activity

**Utah
(continued)**

**Advisory
Committee
Informal
Opinion 98-6
(1998)**

Service on a domestic violence coalition is permitted as long as the coalition does have purposes that are "devoted to the improvement of law, the legal system, or the administration of justice," and includes representatives from various agencies and organizations that might be involved with domestic violence, including prosecution, defense, victim assistance, and perpetrator assistance. Service is prohibited if the focus of the organization is too narrowly linked to one side of an issue, such as prosecution or defense.

**Advisory
Committee
Informal
Opinion 98-4
(1998)**

A judge is not prohibited from serving on the Children's Justice Center advisory boards. However, a judge should not participate in those discussions that focus primarily on prosecutorial tactics which do not benefit the system as a whole, or other discussions that might call into question the judiciary's essential neutrality concerning the administration of the criminal justice system. The committee concluded: "Although the Advisory Board is a step removed from the specific activities of the Children's Justice Centers, the discussions of the Advisory Board will most certainly address the manner in which the Children's Justice Centers can most effectively fulfill their purposes. Accordingly, from time to time the discussions will presumably center on effective investigation and prosecution of child abusers. When the discussions of the Board primarily center on assisting the prosecutorial role, judges may not participate. In making this conclusion, the Committee recognizes that more efficient prosecutions often benefit the defense as well. For instance, preserving uncoached testimonial evidence may assist the prosecution, but it may also benefit the defense. A judge would not be prohibited from participating in those types of discussions. However, in those circumstances in which the discussions focus on benefits or tactics which primarily benefit the prosecution, the judge should simply excuse him or herself from the meeting."

Ethics, Leadership, and Extrajudicial Activity

Vermont

**Judicial Ethics
Committee
Opinion
2728-12
(2004)**

Judges may participate on a government commission only if it deals with issues of fact or policy directly related to the improvement of the law, the legal system, or the administration of justice. Judges must ensure that participation does not hinder their duty to be and appear impartial. If a judge believes that the role on a commission hinders ethical duties, the judge is obligated to end the association regardless of any legislative mandate requiring a judicial representative. "Judges should use the Code of Judicial Conduct as a framework for participation, not as an excuse for withdrawing."

Ethics, Leadership, and Extrajudicial Activity

Virginia

Judicial Ethics Advisory Opinion 00-6 (2000)

The Virginia State Crime Commission was established to study all areas and agencies dealing with crime and to make recommendations for improvements in any area relating to crime. Though some of the Crime Commission's objectives are to improve the law, the legal system, and the administration of justice, the Commission is vested with duties reaching far beyond these areas. It is required to gather information with particular reference to organized crime. It is to refer specific matters and information coming to its attention for further investigation or prosecution. It may recommend that a special grand jury be convened. The Commission's authority to conduct hearings and examine witnesses privately also suggests that one of its functions is to investigate specific criminal activity.

Judicial Ethics Advisory Opinion 00-2

The Community Criminal Justice Boards were established under a state law that requires judicial participation from the trial courts. The Committee determined that the statute requiring judicial involvement would be supported because the boards' activities are to improve the law, the legal system, and the administration of justice. However, the judge should not vote nor actively participate in any deliberations relating to the placement, diversion, revocation, or alteration of probation of any offender appearing before the board or before the court upon which such judge sits, nor should the judge vote or participate in any deliberations relating to the financial well being of any state, federal, or locally funded program that would give the appearance of compromising his or her impartiality.

http://www.courts.state.va.us/programs/jec/opinions/home_archive.html

Ethics, Leadership, and Extrajudicial Activity

Washington

**Ethics
Advisory
Committee
Opinion
09-01 (2009)**

A judge cannot participate in a safety and accountability audit conducted by the county domestic violence commission because the audit is slanted to see gaps from the perspective of the victim only; the domestic violence commission has an intimate business relationship with the local domestic violence advocates; participants pledge in advance to adopt recommendations, all of which may affect a judge's appearance of impartiality.

**Ethics
Advisory
Committee
Opinion
96-02**

A judge may not participate in a domestic violence task force, which has a mission to ensure that community service systems should aid any person affected by such violence with the primary focus being the safety of the victim; and to foster a belief, at all levels of the community, that domestic violence shall not be tolerated in the county. The committee reasoned that the organization's goals indicate that the group has an advocacy agenda focused on domestic violence victims.

**Ethics
Advisory
Committee
Opinion
95-19**

A judge may serve on a board that will facilitate the risk and resource assessment, implement a plan for communicating the assessment to the community at large, and develop long-term prevention strategies for the city's youth. However, a judge must resign should the board consider matters or issues that would ordinarily come before a judge's court to avoid issues of recusal. The judicial officer should periodically reexamine the activities of the board to determine that it is still proper to serve.

https://www.courts.wa.gov/programs_orgs/pos_ethics/

Ethics, Leadership, and Extrajudicial Activity

West Virginia

**Judicial
Investigation
Commission
Advisory
Opinion issues
February 7,
2014**

**Judicial
Investigation
Commission
Advisory
Opinion issues
June 23, 1997.**

The Commission advised that it would be improper for a judge to participate in Family Refuge Center's domestic violence related "STOP Team," given the makeup of the group, and the fact that the core members of the group (prosecutor's office, law enforcement) regularly appear before the judge on behalf of the state in contested cases.

In a revised advisory opinion, the Commission determined that a judicial officer may participate in coordinating councils to address issues such as domestic violence as long as the participation is consistent with the Code of Judicial Conduct and a judge's impartiality is not placed in question.

<http://www.courtswv.gov/legal-community/advisory-opinions.htm>

Ethics, Leadership, and Extrajudicial Activity

Wisconsin

**Judicial
Conduct
Advisory
Committee
Opinion 01-1
(2002)**

A judge may serve on a County Community Correction Advisory Board because the purposes of the Advisory Board are to develop community resources, build community partnerships, and establish restorative justice initiatives. No individual cases would be discussed or dealt with by the Board. Other members of the Board are prosecutors, public defenders, private attorneys engaged in criminal defense work, probation and parole agents, advocates for victims of domestic violence, members of the press, and other community leaders. The committee concluded that a judge may serve on a County Community Correction Advisory Board whose goal is to develop community resources, build community partnerships, and establish restorative justice.

https://www.wicourts.gov/supreme/sc_judcond.jsp

Ethics, Leadership, and Extrajudicial Activity

Wyoming	Supreme Court's Judicial Ethics Advisory Opinion 2016-04 (2016)	<p>The Committee concluded that the requesting judge's membership on a local domestic violence prevention council would undermine the judiciary's impartiality, integrity, independence, and public confidence. The council is a multi-disciplinary group representing a cross-section of agencies and organizations involved in the prevention of, and response to, domestic violence and stalking. Other members of the council include a sheriff's office representative, treatment providers, victim witness coordinators, probation and parole officers, and other individuals involved in local domestic violence services. The council's purpose is: (1) The improvement of communication, coordination, and implementation of services amongst the member agencies and organizations; (2) The review and discussion of current laws pertaining to domestic violence, stalking, strangulation, and protection orders; and (3) Lobbying efforts to effect changes in the law related to the prevention, treatment, and increased punishment for domestic violence and stalking offenses. Due to the purpose and activities of the council, this Committee believes that a judge's membership in such an organization at the local level would violate the Code of Judicial Conduct, which requires impartiality. "When an organization publicly lobbies for certain legislative changes, such as increasing criminal punishment for domestic violence and stalking offenses, it may convey the perception that the organization or its members exert improper influence on the judge through his or her membership in the organization."</p> <p>http://www.courts.state.wy.us/JudicialCommitteesAndBoards/JEAC</p>
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Ethics, Leadership, and Extrajudicial Activity

No Opinions

The District of Columbia

Georgia

Guam

Hawaii

Indiana

Iowa

Kentucky

Louisiana

Michigan

Mississippi

Missouri

Montana

Nebraska

New Hampshire

North Dakota

Oregon

Pennsylvania

Puerto Rico

Rhode Island

South Dakota

Tennessee

Texas

The Virgin Islands

Each state, the District of Columbia, the territories and some tribal courts have adopted their own Codes of Judicial Conduct. Most are modeled after the American Bar Association's Model Code of Judicial Conduct adopted by the ABA House of Delegates on February 12, 2007. Many states have amended their Canons since 2007.

A review of judicial ethics opinions found 20 states, the District of Columbia, Guam, and the Virgin Islands did not have opinions that addressed judicial participation in government or non-profit organizations engaged in coordinated community responses to child welfare, juvenile justice, elder abuse, trafficking, and domestic violence. In some instances, the state review found a number of opinions on other topics but none that would assist in the discussion of judicial leadership and coordinated community response efforts. review on this issue. Other states either do not publish their informal opinions or they are not readily accessible to the public.

The compilation of the opinions here includes the relevant opinions from the state-by-state compilation of judicial ethics opinion written by Katheryn Yetter and published by NCJFCJ in a compilation of judicial ethics opinions in January 2012. This compilation expands the inquiry to include not just domestic violence but also child welfare and juvenile justice.