

Notice to Candidates Seeking Full-Time Judicial Positions

From the Arizona Supreme Court Judicial Ethics Advisory Committee

The Arizona Code of Judicial Conduct defines “judicial candidate” as follows:

““Judicial candidate” means any person, including a sitting judge, who is seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, authorizes or, where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for election or appointment to office.”

Candidates seeking full-time judicial positions by election, reelection, retention, or appointment are subject to a variety of restrictions concerning political activity, including, by way of example,

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

RULE 4.1. Political and Campaign Activities of Judges and Judicial Candidates in General

(A) A judge or a judicial candidate shall not do any of the following:

- (1) act as a leader in, or hold an office in, a political organization;
- (2) make speeches on behalf of a political organization or another candidate for public office;
- (3) publicly endorse or oppose another candidate for any public office;
- (4) solicit funds for or pay an assessment to a political organization or candidate, make contributions to any candidate or political organization in excess of the amounts permitted by law, or make total contributions in excess of fifty percent of the cumulative total permitted by law. See, e.g., A.R.S. § 16-905.
- (5) actively take part in any political campaign other than his or her own campaign for election, reelection or retention in office;
- (6) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;
- (7) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others, except as provided by law;
- (8) use court staff, facilities, or other court resources in a campaign for judicial office;
- (9) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; or
- (10) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

Judicial candidates need to ensure compliance with the applicable provisions of the Arizona Code of Judicial Conduct during the pendency of their applications for appointment to judicial

office or their election, reelection, and retention campaigns. Obviously, full-time judges are subject to the entire Arizona Code of Judicial Conduct at all times.

Candidates who are members of the State Bar of Arizona, whether successful or unsuccessful in their efforts to obtain judicial positions, are required to comply with the applicable provisions of the Arizona Code of Judicial Conduct during such efforts pursuant to Arizona Rule of Professional Conduct 8.2(b) which provides, “A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.” Once again, please see the definition of “judicial candidate” in the terminology section of the Arizona Code of Judicial Conduct, as set forth above, for when someone becomes a judicial candidate.

Judicial candidates who have questions concerning their prospective compliance with the Arizona Code of Judicial Conduct can request advice from the Arizona Supreme Court Judicial Ethics Advisory Committee. Please feel free to call or e-mail the committee’s staff director to initiate an opinion request.

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