

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 95-21
(December 1, 1995)

**Endorsing or Writing a Letter of Support for
A Private Counseling Service**

Issues

1. Is it proper for a judge to write a letter of support for a counseling service to be used in making applications for grant funds?

Answer: No.

2. Does it make any difference if the organization funding the grant is an executive agency, state agency, or the state supreme court?

Answer: No.

Facts

A municipal court judge was asked to provide a letter of support for a counseling service to use in making application for grant funds. Currently, the court orders domestic violence offenders to attend the counseling service as a term of probation, and the service reports back to the court whether the person completes the program. The service also provides referral forms for the court and, although the relationship is noncontractual at the moment, in the near future a competitive bidding process will be used to award a contract for these services.

Discussion

The question presented here is whether it is proper for a municipal court judge to provide a letter of support for a particular counseling service which currently provides services to the court. The counseling service would use the letter in support of its application for soliciting grant funds. Furthermore, the municipality intends to undertake a bidding process in the near future with respect to awarding a contract for counseling services such as those now provided by the current service.

Canon 2B provides in part that “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall the judge convey or permit others to convey the impression that they are in a special position to influence the judge.”

These facts suggest, at the very least, that by writing the requested letter of support the judge would be advancing the private interest of “others” and that the present counseling service could be perceived to be in a special position to influence the judge. An appearance of favoritism could also arise with respect to both the grant application and bidding processes. Consequently, it is the opinion of the committee that providing a letter of support as requested in this instance would be a violation of Canon 2.

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We do not believe that the source of funds makes any difference in the way we view the underlying ethical issue in this opinion. If Canon 2B prohibits a judge from lending the prestige of his or her office to help the counseling service obtain a grant, then the fact that the grantor is a government agency or the judiciary itself does not change the situation.

This opinion is limited to situations in which a judge would, in effect, be endorsing a particular product or service, an activity that we have previously discouraged. *See* Ariz. Op. 92-12. It is not intended to restrict private communications among judges or courts concerning the effectiveness of various programs and services. While it is inappropriate for a judge to write a letter of support for an organization applying for grant funds, there is nothing wrong with listing a court as a client or user of a particular service. If a prospective user, whether it be another court or a funding agency, wishes to contact a court for an evaluation of the service, the court may respond. Judges may also communicate freely with their peers about various products or services, as long as they are not doing so to advance the private interests of others. Our sole concern here is that a judge must not allow the prestige of judicial office to be exploited for commercial purposes.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 2B (1993).

Other References

Arizona Judicial Ethics Advisory Committee, Opinion [92-12](#) (Sept. 11, 1992).