

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 89-03
(November 3, 1989)

**Publication of Newsletter Summarizing
Slip Opinions of Appellate Court**

Issue

Is it proper for a sitting judge to write and publish a newsletter summarizing slip opinions from Arizona appellate courts for the benefit of the legal community, if he has no direct contact with subscribers?

Answer: Yes.

Discussion

It is the opinion of this Advisory Committee that the writing and publication of the newsletter may continue as long as it does not interfere with the performance of judicial duties, Canon 3, Code of Judicial Conduct; private resources are employed in rendering the service; and so long as any subscriptions are handled through a blind subscription list, i.e., in a fashion where a third party handles all subscriptions in a manner where the identity of subscribers remains unknown to the judge in order to avoid even the appearance that any subscribers might receive preferential treatment in matters coming before the judge. Canon 2, Code of Judicial Conduct.

Moreover, a judge "should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves." Canon 5C(1).

The committee recognizes the activity as a valuable service to the legal community and one assisting the judge to maintain professional competence in the law as adjured by Canon 3A(1). Canon 4A specifically authorizes a judge to write and participate in other activities concerning the law.

Accordingly, so long as the caveats set forth are observed, we are of the opinion that writing and publication may continue.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 2, 3, 3A(1), 4A and 5C(1) (1985).

Advisory Opinion 89-03

Revision History

This opinion was originally issued as Opinion 89-05 on the date shown at the top of the page. In December 1991, it was republished in a new format, without substantive changes, and renumbered to eliminate a discrepancy in the numbering system.

Notice

Opinion 90-07 (March 9, 1990) elaborates on the issue discussed in this opinion.