

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 94-16
(December 15, 1994)

**Participation in Educational Activities
Conducted by Lawyers' Committee**

Issue

May a judge participate in educational activities conducted by the Arizona Lawyers' Committee on Violence?

Answer: Yes, with caveats.

Facts

Under the auspices of the Arizona Lawyers' Committee on Violence ("ALCOV"), the inquiring judge has been invited to speak to schools, civic groups, and the like about the problems presented to both the court system and to individuals by violent and gun-related crime. ALCOV will sponsor educational programs aimed at the prevention of violent crime. It may also become involved in proposing and endorsing legislation and possibly in litigation.

Discussion

Canon 4B permits judges to write, speak, teach, and engage in other extra-judicial activities about the law and the legal system. It also authorizes judges to write, lecture and speak on non-legal subjects as well. However, two caveats apply: First, judges must not let their speaking and writing cast doubt on their capacity to decide cases impartially; and secondly, the outside activity must not interfere with or detract from the dignity of the judicial office.

We believe that the judges may speak about the problem of crime in society so long as it does not interfere with their judicial duties or cast a pall on their impartiality. Judges have a unique perspective on the problems that present themselves in the judicial system. The canons envision that judges may share those perspectives in a dignified manner with school and service group audiences. Indeed, one member of the committee can still vividly remember that when he was in high school, twenty-five years ago, the presiding juvenile court judge came to his 11th grade civics class and mesmerized the students about the dangers of drug abuse. This is exactly the sort of public service by judges that the canons contemplate.

Of course, when speaking on legal and quasi-legal subjects, judges must be careful to avoid statements that might cast doubt on their impartiality. An example of such a statement is a comment on a pending case or the expression of an opinion on the constitutionality of a statute that might come before the judge for interpretation.

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These are extreme examples, and, in general, judges may speak and write about the business of judging, including observations about societal problems such as crime and violence. The issue in the posited case is more troublesome, however, because in addition to its educational goals, ALCOV also intends to become involved in anti-crime legislation and litigation. It is one thing for a judge to speak in general terms about the problem of violent crime. It is another to become a *de facto* spokesperson for an organization that maintains legislative and litigious objectives, some of which directly affect day-to-day judicial decisions.

Subject to the caveats noted above, we believe that judges may speak and write about the problems of crime and violence. In addition to those caveats, judges must be extremely careful not to become overly identified personally with political or social action groups. As a general rule, judges should avoid membership in an organization that brings lawsuits to further its goals. Likewise, judges should not endorse or create the appearance of endorsing the group's legislative agenda, since legislative enactments very well may come before the court.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 4B (1993).