

## JUDICIAL ETHICS COMMITTEE

### OPINION NO. 98-4

We have been asked to render an ethics opinion regarding the Code of Judicial Ethics, specifically, whether a judge or judicial candidate can respond to probative questionnaires submitted to the judge or candidate by special advocacy groups which ask the judge or judicial candidate the manner in which the candidate would rule in specific cases, controversies or issues likely to come before the court, pending endorsement by such group.

The Judicial Ethics Committee is of the opinion that by responding to such in-depth and issue specific questionnaire the judge or judicial candidate will violate the provisions and the Canons of the Code of Judiciary.

The Judicial Ethics Committee believes that these violations occur when a judge or judicial candidate allows himself or herself to be swayed by partisan interests, public clamor or fear of criticism. By answering this questionnaire and those like it, there is an appearance of impropriety by a lack of impartiality or pandering to certain interests. See Canon 3 B(2)and (9).

The Judicial Ethics Committee believes that further violations of ethical canons will occur in such questionnaires if they are attempting to illicit any promise from a judge or candidate other than a fair and impartial performance of the duties of the office. It is inappropriate for the candidate to make any statement or commitment as to the adjudication of cases, controversies or issues before the court. Any statements made by the judge or judicial candidate require a strict use of discretion in making sure there is not the appearance of partiality or favor to a specific interest or group. As a matter of public confidence in law, judges and judicial candidates must guard against any conduct that has a tendency to diminish public confidence in the impartiality of the judiciary. *See* Canon 5 (A)(3)(a) and Canon 5 (A)(3)(d)(I) &(ii).

If the judge or judicial candidate is solicited to answer one of these probative questionnaires, which addresses specific issues and the manner in which the judge or candidate will rule, the candidate should refuse to answer in any way that would undermine the public

confidence in the integrity and impartiality of the judicial system and the judge.

It is, therefore, the opinion of the Judicial Ethics Committee that there is an ethical violation in addressing answers to questionnaires submitted by special interests groups that ask the candidate to make prospective rulings on cases, controversies and issues likely to come before the court.

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Floyd Peete Jr.

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Date

CONCUR:

PEAY  
KURTZ  
FRIERSON  
WAGGONER

SEPT. 21, 1998