

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OPINION 87-040

Issued: September 25, 1987

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]

SYLLABUS: A judge may express his or her opinion with regard to an organization of which he or she is a member, provided the judge conducts himself or herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

OPINION: We have before us your request for an informal advisory opinion regarding the amount of restraint you should use in speaking out against an organization you are a member of, which you believe is engaged in racist and anti-Semitic activities.

Canon 1 of the Code of Judicial Conduct (the Code) states that a judge should "observe high standards of conduct so that the integrity and independence of the judiciary may be preserved." Code of Judicial Conduct Canon 1. In addition, under Canon 2(A) of the Code, a judge should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Code of Judicial Conduct Canon 2(A). These two Canons should discourage you, as a judge, from becoming embroiled in an ongoing commentary with the organization.

However, under Canon 5 of the Code, you may speak on non-legal subjects as long as your comments do not detract from the dignity of your office or interfere with the performance of your judicial duties. Code of Judicial Conduct, Canon 5. The Code, therefore, does not prohibit you from addressing questions concerning an organization to which you belong as long as you act in a manner appropriate to your judicial position. We feel that, in your particular situation, you may ethically address questions from citizens, the media and concerned organizations regarding what you consider to be

immoral, unethical and illegal activities by an organization of which you are a member. Furthermore, we recommend that you do not initiate comment on your opinion concerning this matter, but merely respond to requests for your comment.

In conclusion, it is our opinion, and you are so advised, that, based upon the facts as you present them, you may ethically express your opinion in response to an inquiry regarding this matter. Again, however, you should not allow yourself to become embroiled in an ongoing commentary which would detract from the dignity of your office.

This is an informal, non-binding advisory opinion, based upon the facts as presented and limited to questions arising under the Code of Judicial Conduct.

James W. Mason, Esq.
Secretary
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