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Judicial Ethics Opinion

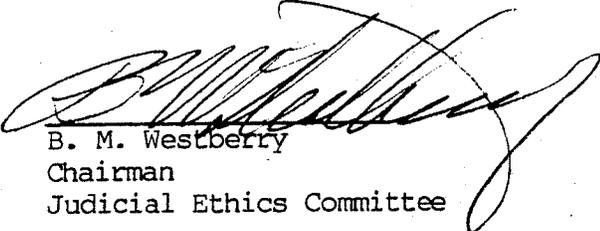
JE-85

May 10, 1993

Question: Should judges and candidates for Judicial office answer the questionnaire circulated by the Exploited Children's Help Organization (ECHO) which solicits a judge's opinions on child abuse issues?

Answer: No. While a few of the questions asked are innocuous, the overall tenor of the questionnaire is to enlist the judge as an advocate for a particular position. This violates Canon 7B(1)(c) as interpreted by the Committee in Judicial Ethics Opinion JE-38.

The Committee has been asked to consider whether judges and candidates for judicial office should answer the Child Abuse Questionnaire circulated by the Exploited Children's Help Organization (ECHO). A majority of the Committee believes that the answer to this question is no. While a few of the questions asked in the questionnaire are innocuous, such as whether judges should be educated in child sexual abuse issues, the overall tenor of the questionnaire is to enlist a judge's support as an advocate of particular issues. A majority of the Committee believes that answering the questionnaire violates Canon 7B(1)(c), the rule on political speech, which provides that a judicial candidate shall not "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court;...." As the Committee stated in Judicial Ethics Opinion JE-38, "[h]e (a judge) must avoid any statements which could be interpreted as a pledge of judicial conduct or which appeal to prejudices or special interests." An impartial judiciary is indispensable to our system of justice.

  
B. M. Westberry  
Chairman  
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