



Committee on Professional Ethics

Opinion #391 - 5/21/75 (31-75)

Topic: Campaign material of
judicial candidate

Digest: An attorney seeking judicial
office should conform with
the guidelines set forth in
N.Y. State 289 (1973)

Judicial Code: Canon 7 (B)

QUESTION

May an attorney seeking judicial office advise the electorate and make use of a letter from a judge of the court where the candidate sits as a small arbitrator extolling his services as an arbitrator, a letter regarding the candidate's voluntary attendance at a local justice advanced training program, his membership in various organizations and distribute copies of diplomas and certificates and refer to himself as "judge" by reason of his membership in a judges' association?

OPINION

N.Y. State 289 (1973) and N.Y. City 882 (1973) set forth guidelines for the conduct of judicial election campaigns to assist judicial candidates in conducting campaigns that are consistent with the dignity and integrity of the legal profession and the judicial system. See Canon 7(B) of the Code of Judicial Conduct.

It is appropriate and desirable for a candidate for judicial office to inform the electorate in a dignified truthful manner of his qualifications. This may be done through the use of all "media, including, but not limited to, radio and television, newspapers and other publications, posters and handbills", N.Y. State 289 (1973), however, the manner of presentation "should comport with the dignity and integrity required of that office", and not in a "sensational or dramatic manner or context". N.Y. State 289 (1973).

Therefore it is not improper for a judicial candidate to make known that he has had experience as an arbitrator in a small claims part of a court; that he has voluntarily attended a local justice advanced training program; and his membership in various organizations, when such information is relevant to his qualifications.

Even though a candidate's certificate of membership in the North American Judges Association refers to him as "judge", it would be ethically improper for a lawyer who is not actually an incumbent judge, to refer to himself as a "judge" in his campaign as to do so would be misleading.

OVER---

The use of copies of laudatory letters from judicial personnel would be improper and would violate both the letter and the spirit of the guidelines which prohibit endorsements from a "judge in the New York court system". N.Y. State 289 (1973).

The use of diplomas and certificates of membership should be undertaken with considerable caution to insure that such use does not fall under the ban against "sensational or dramatic presentation". Any document which refers to the lawyer candidate as "judge" or which suggests that he is a judge may not properly be used when the lawyer is not in fact an incumbent judge. Since a candidate is permitted to set forth his membership in appropriate organizations, the use of diplomas or certificates is unnecessary and could be considered as lacking in dignity unless the fact of his membership in such organization is challenged by the opposition.
