



A Sub-Committee of the Conference of Chief Justices. JFI website hosted by the National Center for State Courts

Avoiding Ethics Problems

Impartiality and fairness are vitally important in our trial and appellate courts, and to public confidence in the judiciary. With that principle in mind, the Judicial Family Institute (JFI) started in 1987 when spouses of new appellate judges found their lives dramatically impacted by judicial ethics constraints tied to family jobs, charitable fundraising, politics, gifts, and investments. They wanted to learn and share helpful information on ethics and ultimately many topics now posted on the JFI website. People close to both appellate and trial judges continue to change jobs or other activities, or judges “recuse” by not participating in cases that somehow involve an activity or interest of someone in their household or extended family.

Unlike judges, judicial family members who are not judges cannot be disciplined when judges violate ethical rules or there is an appearance of impropriety relative to family. But judges can be sanctioned or even removed from office. Such violations can often be prevented when all adults in the household are aware of applicable judicial ethics guidelines, have conversations at home about those principles, and appreciate the reasons behind them.

Thanks to the National Center for State Courts Center for Judicial Ethics, *An Ethics Guide for Judges and Their Families*, by Director Cynthia Gray and her team is now available free on the Judicial Family Institute website. You can also follow the *Center for Judicial Ethics blog* and/or sign up to receive the *Judicial Conduct Reporter*. Some jurisdictions may make their most recent judicial ethics guidelines available online as changes occur. A spouse or domestic partner can also learn about their judge’s ethical issues specific to their applicable code of judicial conduct by sitting in on judicial education ethics programs for new judges and/or continuing education programs.

Judges do well to consult their appropriate ethics advisory resource whenever an ethical question arises in their household or extended family. Ethics commissions and/or assigned staff offer preventative guidance on ethical questions. Sometimes that advice can be informal. At other times it is published in an “Advisory Opinion,” since the issue may have application for other judges. Unfortunately there are times when judges do not seek preventative counsel on ethical questions, and results can be costly.

Along with other informative articles, the *Family Ethical Issues 2022* report by Director Gray is available within the Judicial Family Institute website Ethics topic. It includes sixteen Advisory Opinions from six states: Florida, New York, North Dakota, South Carolina, Washington, and West Virginia. Most of those opinions are about job conflicts. Others address political involvement, investments, or inappropriately using the prestige of judicial office to promote a relative. Judges who have sought such counsel have been able to avoid actions that could result in embarrassing headlines.

Disciplinary actions against judges are also included in Director Gray’s report on judicial family issues. In Texas a judge who was active in his spouse’s political campaign for County Commissioner was reprimanded for that and other issues, and required to receive extra instruction with a mentor on campaign ethics, conflicts of interest, etc. The New York State Commission on Judicial Conduct concluded a proceeding against a White former judge who affirmed he had vacated his office and would not seek or accept judicial office again. It had been alleged he had previously made multiple racially inappropriate comments and threatened the life of a Black town employee who was in a romantic relationship with the judge’s daughter.

People in judges’ households and extended family members are encouraged to be aware of judicial ethics guidelines relative to family. Judges help protect themselves, and sometimes even other judges, by seeking appropriate counsel to prevent ethical problems.