



## Greetings From the Chair

The Judicial Family Institute is ringing in the New Year with a new resolution --- to bolster our efforts to provide essential information for the judicial community through our website.

Geography is no longer a barrier to communication. The worldwide web has turned our diverse states and territories into virtual next-door neighbors. As a result, reactivating the JFI website, fulfilling its potential, is critical to our goal to bring our community even closer.

The Judicial Family Institute marks its 22nd birthday this year and we encourage each of our members to celebrate by regularly logging on to the site, <http://jfi.ncsconline.org>.

As the sole national website devoted specifically to judicial family issues, JFI Online is our hallmark. It reflects our legacy and our promise, our past and our future.

Last year, our website registered more than 78,433 successful hits for the entire site. Visitors downloaded, or read online, significant articles on issues and concerns that affect judicial families as a whole. They sought expert guidelines, for example, on security, ethics and raising children in a judicial family.

They looked for advice to cope with stress, manage health, and balance public and private lives. Surviving political campaigns and retirement were still other areas of interest. Our website features all of these topics.

A top priority this year is to update our website articles and, when fitting, to insert hyperlinks that will take the visitor to related reports and columns on other sites.

However, the Judicial Family Institute needs your help and interest to meet this major goal.

Part of our challenge is to involve everyone in relaying the message that JFI Online is, or should be, his or her first stop on the avenues of our virtual neighborhood. We need you to send that message to every state, commonwealth, and territory.

State liaisons should update information on judicial programs of their respective states. New information from California, Ohio, and Puerto Rico is already available on the JFI website.

The New Year opens a new window on the many possibilities ahead for communicating with judicial families. Please join us in moving the Judicial Family Institute website forward to reach our goals. Give us your ideas for activities to include in judicial family programs. Share your experiences as judicial families. Join the discussion of our future. Give us your feedback.

Let's ring in 2009 by going online with the Judicial Family Institute!

Isabel Picó-Vidal, Esq.  
President Judicial Family Institute



## Upcoming Events

### A Thriller in Scottsdale

"Missing Witness", by attorney Gordon Campbell, is the appealing thriller on tap for the Law and Literature Session, Saturday, Jan. 24, at our Scottsdale conference.

Set in Phoenix, Arizona in 1973, "Missing Witness" follows the difficulties of legendary criminal lawyer Dan Morgan as he tries to prove that his beautiful client is innocent of gunning down her husband. This debut novel has garnered favorable reviews.

A lawyer at Parsons, Behle & Latimer in Salt Lake City, Gordon Campbell has over 100 jury trials in private practice and as an Assistant U.S. Attorney for Utah. He is a member of the American Board of Trial Lawyers and a Fellow of the American College of Trial Lawyers.

### Save the Date

- Law and Literature Session, Saturday, Jan. 24, 5:30- 7:00 p.m.
- JFI Business Meeting, Monday, Jan. 26, 2:30- 5:00 p.m.

### Don't Miss This

Key safety areas of interest to judicial families will be the subject of a presentation by Claudia J. Fernandes at the JFI Business Meeting Monday, Jan. 26 in Scottsdale.



A senior education specialist with the Judicial Council of California, Claudia will also talk about new security DVDs that the California Court Security Education Committee is developing. Security materials will also be available for attendees. Claudia is the president-elect of the National Association of Judicial Educators (NASJE).

## JFI Mission Statement:

*The Judicial Family Institute (JFI) is dedicated to providing information and education on issues of concern and importance to judicial family members.*



Incoming CCJ president Christine Durham, the chief justice of Utah, strikes a pose with her spouse George Durham. A prominent pediatrician, George Durham was elected secretary of the Judicial Family Institute at the CCJ meeting in Anchorage, Alaska. Durham chairs JFI Health and Quality of Life Committee and has submitted new website articles on substance abuse, eating disorders and judicial stress. His spouse has been on the Utah Supreme Court since 1982 and became Chief Justice in April 2002. Recognized nationally for her work in judicial education and the administration of justice, Chief Justice Christine Durham received the William H. Rehnquist Award for Judicial Excellence in 2007.

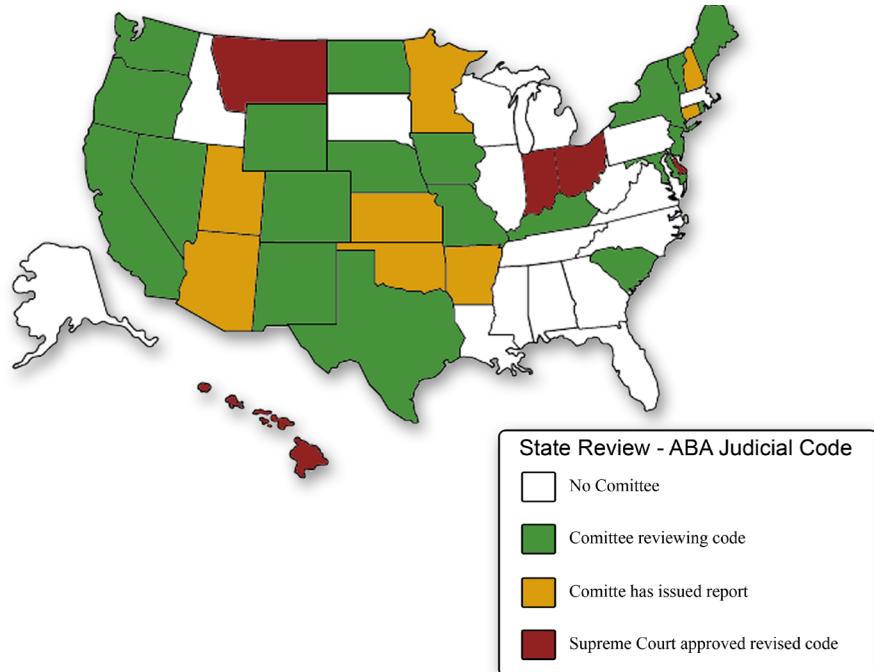
## State Adoption of Revised Model Code of Judicial Conduct

While the American Bar Association (ABA) adopted the Model Code of Conduct in February 2007, many states, territories and commonwealths continue to review and revise existing ethics guidelines and codes following the ABA Model Code.

Since each state, territory and commonwealth is entitled to prepare rules of judicial ethics

reflecting its individual judicial culture and needs, state adoption of the ABA Model Code has not occurred quickly.

As of December 2008, five (5) jurisdictions (MT, HI, IN, OH, MD) have adopted and/or Supreme Court approved revised Judicial Codes. Thirty two (32) others have committees reviewing their codes or have issued proposed revisions.



The ABA Revised Model Code of Judicial Conduct (2007) consists of Canons, Rules and Comments that address a number of issues related to judicial ethics, a judge's professional duties, types of personal conduct (including involvement in extrajudicial activities; business or financial activities), and acceptable political conduct of judges and judicial candidates. The Judicial Family Institute will continue to follow adoption of state judicial codes since the ABA Model Code refers directly or indirectly to the family of judges and to extrajudicial activities that usually intersect with family activities. (*Excerpts Ethics Committee Report 1/09*)

## Meet Sandra Chavez

Sandra Chavez, the spouse of New Mexico Chief Justice Edward Chavez, is the newest member of the JFI board. She brings vast management skills to our institution and is a chief in her own right.

She heads New Mexico's Medicaid Quality Assurance Bureau, which oversees the integrity and quality of services provided by the state's Medicaid, SCHIP, and State Coverage Insurance programs.

Before assuming that post, Sandra held several key management positions within the University of New Mexico Health Center.

"I have managed to balance my personal responsibilities as a wife, mother and professional," she says. Married to Chief Justice Ed Chavez for 31 years, they are the parents of three adult children.

"Augustine is a primary care physician in New Mexico, Divina is an



attorney in Oklahoma, and Armando is in dental school in Nebraska," she says with pride.

Known for her energetic personality, Sandra admits to many hobbies, including reading, cooking, and traveling.

"Above all," she concludes, "I value the friendships I have developed through acquaintances and friends."

Welcome aboard JFI, Sandra!

# Defining Family Boundaries: Hawaii's 2009 Code of Judicial Conduct

by Sandra Chavez, member Ethics Committee

Hawaii has joined five other states in updating its Code of Judicial Conduct to conform to the 2007 American Bar Association Model Code of Judicial Conduct. The other states are Montana, Indiana, Ohio, and Maryland.

The Hawaii revised code becomes effective January 1, 2009 and is intended to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct while providing a basis for regulating their conduct through disciplinary entities. As illustrated by the following examples, Hawaii's code addresses distinctive family issues designed to preserve fair and impartial decision making by establishing important boundaries for judges and their families.

Without question, holding a judicial office is very prestigious. However, judges must avoid misusing the prestige of their office in deciding cases or influencing the outcome of cases. Hawaii's revised code includes Rule 1.3, which precludes a judge from lending the prestige of judicial office for the advancement of the private interests of others. For example, just as a judge should not use his or her office to avoid a traffic citation, a judge must not seek to, or allow a family member to gain an advantage in a civil suit based on the judge's office. See Comment 1b of Rule 1.3.

Rule 2.4 expands on this because it specifically forbids a judge to permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. The essence of this rule is for a judge to decide a case based on the law and facts without fear of reprisal or because they owe a favor to one of the parties, their attorneys, or someone else associated with the parties. By adhering to this rule, a judge decides a case without regard to what else is going on in his or her personal or social life.

Rule 2.4 deals with a judge's decision making in general, but may a judge decide a case when a family member is one of the parties? Rule 2.11 provides the circumstances under which a judge must decline to decide a case. Understandably a judge should not decide a case when a spouse, family member, or domestic partner appears as a party or is acting as a

lawyer. The judge should not decide a case neither when she or he has a *de minimus* interest in the case or could appear as a witness in the case. The importance of this rule is to assure the public that decisions will be made on the merits of a case uninfluenced by any special relationships the judge has with the parties or attorneys. Like a referee in a game, there is no home field advantage.

The rules just described deal with a judge's decision-making. However, may a judge represent themselves or family members in a lawsuit? Rule 3.10 describes when a judge may practice law. As it relates to family members, although a judge is permitted to give free advice to or draft documents for family members, a judge may not represent a family member in any court. If a judge represented their loved one in litigation and won, the public might wonder whether the loved one won because they had the better case or because a fellow judge who was representing the party influenced the judge. Although the judge may have decided the case fairly and impartially, the appearance of favoritism remains.

Rule 3.8 allows judges to act as fiduciaries for family members if doing so will not interfere with the performance of his/her duties. For example, a judge may serve as a personal representative of the estate of a parent or as an appointed guardian for an ill parent. Hawaii departed from the ABA Model Code when it added the right for a judge to serve as a conservator (actions relating to property management) for family members.

While the rules do not permit a judge to represent family members in any forum a judge may represent himself or herself in matters involving the judge's legal or economic interests, or as previously noted when representing a family member in a fiduciary capacity. Judges must be careful, however, not to refer to their position as a judge or use the prestige of their office to influence the outcome of their case.

While deciding a case a judge might learn information that is not public and which may have some commercial or other value to the judge or others, including family members. Rule 3.5 makes it clear that the judge may not disclose the information or use it for any purpose unrelated to the duties of the judicial office. The exception is when such nonpublic information is necessary to protect the health and safety of the judge or anyone else. Interestingly Hawaii expanded the exception

beyond what was in the ABA Model Code. The Model Code permits the use of nonpublic information to protect the health and safety of the "judge or member of the judge's family, court personnel, or other judicial officers". Hawaii substituted "anyone else" for "member of the judge's family, court personnel, or other judicial officers".

Regarding other extrajudicial activities, Rule 3.7 describes those activities in educational, religious, charitable, fraternal, or civic organizations, which the judge may engage in without offending judicial independence. In this list of activities, Hawaii adds that a judge may participate in law-related activities that are not conducted for profit, such as, "donating, without attribution of judicial title, services, or goods at fund-raising events". This rule appears to be focused on preventing coercive practices but also has a common sense approach allowing judges to be benevolent, so long as they do not misuse the prestige of their office.

Finally, as it relates to family issues, it is not unusual for the family of a judge to run for political office. Can a judge endorse the candidacy of a loved one? Consistent with the ABA Model Code, Hawaii has answered the question: "no". The Hawaii code states that although a judge's family members can engage in political activity or run for office, there is NO FAMILY EXCEPTION for a judge to endorse a political candidate. A judge must not be involved in or publicly associated with a family member's political activity or campaign. To avoid any misperceptions a judge should urge family members to take reasonable steps to avoid

**“ Without question, holding a judicial office is very prestigious. However, judges must avoid misusing the prestige of their office in deciding cases or influencing the outcome of cases. Hawaii's revised code includes Rule 1.3, which precludes a judge from lending the prestige of judicial office for the advancement of the private interests of others. “**

# Last Chance to Suggest New JFI Topics

By JFI Website Chair Jan Aikman Dickson (IN)

The JFI Website Graphics Committee including Ilona Holland (DE) and Roz Smith (MD) will soon be adding photos and easily accessible additional topics to the website at <http://jfi.ncsconline.org>.

Essays and links highlighting the essential role of fair courts to good government will be included. We will emphasize what a privilege and opportunity it is for families and friends to support judicial service. JFI hopes to collect ideas from experienced judges and their families on how they manage the many unique features of public family life.

We will continue to set aside differences in geography, politics, and positions on controversial issues. Can you think of any appropriate topics of concern to judicial households and extended family not mentioned below?

- Career Changes
- Children of Judges
- Disaster Preparedness
- Ethics
- Finances
- Good Government
- Health/Quality of Life
- High Profile Cases
- Impairment Assistance
- Law & Literature
- Media & Public
- Mentoring
- Political and Public Life
- Retirement
- Security

Should any of these topics be shown in the “Members Only” section rather than for the public to view? We are happy to consider your thoughts and any additional topics you might suggest if you will e-mail them soon to [judicialfamily@sbcglobal.net](mailto:judicialfamily@sbcglobal.net).

## Share your stories with JFI Online

JFI Online welcomes news and photographs of judicial family activities from our members. Sharing experiences through our website is a major goal of the Judicial Family Institute. Send us your stories at [onlinewithjfi@gmail.com](mailto:onlinewithjfi@gmail.com). The illustrated article below kicks off the series.

### A Child's View of the Courts in Puerto Rico

Youngsters and children from judicial families enjoyed the chance of a lifetime to role-play the jobs of their parents for a day.

Their performance, one of three judicial family activities held during the Holiday Season was staged at La Casona, a popular cultural center in the city of Humacao.

Children of judges made drawings of parents at work. Youngsters acted as judges and bailiffs, as defense attorneys, prosecutors, and witnesses in a mock trial. All received hands-on knowledge of the workings of the court.

Organized by the Family Support Program of the Judicial Branch of the Commonwealth of Puerto Rico, (PAFRJ in Spanish) the activity—Family Dialogue—featured male and female judges from the judicial regions of Humacao, Caguas, and Fajardo as guides for their children.

Judicial Family Institute president Isabel Picó- Vidal



Kids enjoy their day in court

addressed the gathering as did her spouse, Hon. Federico Hernandez Denton, Chief Justice of the Puerto Rico Supreme Court.

Judges and spouses held roundtable discussions on ethics, security, political activities, and adapting to judicial family life. For a summary of the discussions and additional photos of Family Dialogue check out the JFI website Map of States, Territories, and Commonwealths and click Puerto Rico.

Updated information on judicial family programs is linked to the section of the Puerto Rico Courts that addresses judicial family topics.

An initiative of the Judicial Branch, the Family Support Program aims to guide families on ethical and practical aspects of their lives. The program also helps families understand the role of the judicial system in a democracy.

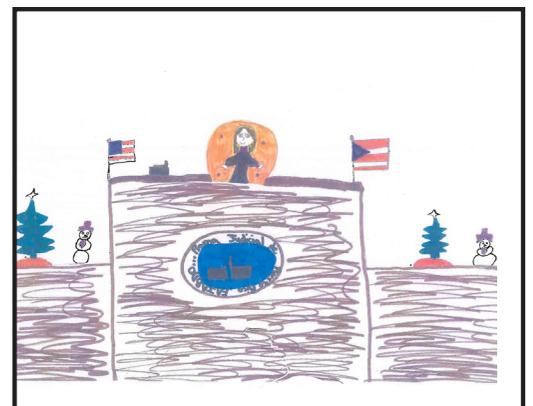
The verdict handed down from kids, judges, and spouses was that the Family Dialogue was a complete success.



PR Chief Justice Federico Hernandez Denton addresses Family Dialogue activity



Humacao school children entertain their peers



Young artist Maria Elena Santos, 10, daughter of Judge Maria Elena Ortíz gleefully extends the best wishes of the Judicial Family Institute for a wonderful and productive 2009.

*The third edition of Online with the JFI will give a bird's eye view of the JFI website and state programs. Expect your issue in early Summer*