

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion regarding the campaign conduct of incumbent judges running for election or re-election to judicial office. Your specific questions are summarized as follows:

1. May a judge publically explain the basis of his rulings or sentences in criminal cases? 80-85
2. What statements, with regard to litigation, may be made by an incumbent judge during the course of a political campaign? 80-86

It is the opinion of the Commission that incumbent candidates for judicial office must adhere to the Canons of Judicial Ethics in all of their campaign activities. Specifically, such candidates' conduct must be guided by Canons 1, 2, 3A(6) and 7B. Under these Canons, it is imperative that a candidate for judicial office maintain the dignity appropriate to judicial office and promote no image other than that he will faithfully and impartially perform the duties of his office.

Under Canon 3A(6) and Canon 7B(I)(c) judges are specifically prohibited from commenting on pending litigation and announcing rulings in advance.

However, it is further the opinion of the Commission that during the course of his own political campaign a judge may make general references to court records, statistics and procedures.

Except under the most extraordinary circumstances, a judge should refrain from commenting on specific cases in which he has participated, especially where such comment could compromise the validity of any ruling or order entered by him in such cases. This prohibition does not preclude a judge's commenting on his duty to set a reasonable bail and appoint counsel in criminal cases or the fact that he shares the responsibility for appointing counsel with four other judges and thus makes only about one-fourth such appointments. A judge may also explain generally that sentences on guilty pleas, in the vast majority of cases, were upon the recommendation of the State, the officer, the victim or were dictated by law, and that the disposal of cases in this manner constitutes a useful tool for law enforcement and saves the taxpayers money. A judge may also comment on the probation statistics of his court and explain generally the useful effects of probation.

If you have any further specific questions, please feel free to address such questions to the Commission.