

Judicial Inquiry Commission

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September 27, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge may write to public librarians and boards of education in the state soliciting the purchase of a children's book that the judge authored twenty years ago. The judge has a limited number of the books, which he would offer for sale for less than the retail bookstore price for the book. The judge's title and office will not be used in any way in the letter, although his name may be recognized. From time to time school boards and teachers are parties to appeals before the court on which the judge sits.

Canon 5A states that a judge may write on nonlegal subjects if such activity does not detract from the dignity of his office or interfere with the performance of his judicial duties. Canon 5C provides the following, in pertinent part:

- (1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.
- (3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified.

It is the opinion of the Commission that a judge may write letters to school boards and public libraries soliciting the purchase of the book in question so long as the judge does not use his title or office or otherwise exploit his judicial position in such letters. The mere use of the judge's name in the letter would not "exploit his judicial position" under the facts in this case. It also does not appear that the proposed activity would reflect adversely on the judge's impartiality or interfere with the proper performance of the judge's judicial duties under the particular facts in this case.

Sincerely,
JUDICIAL INQUIRY COMMISSION