

Wyoming Supreme Court Judicial Ethics Advisory Committee

Advisory Opinion 2014-02

This opinion is in response to a judge's inquiry as to whether his participation in a weekly television program, which provides general parenting information, violates any provision of the Wyoming Code of Judicial Conduct.

Factual Background.

The judge in question has served as a municipal court juvenile judge for approximately nine years. During that time, the judge, who is a licensed family therapist, has presented general parenting information during a weekly television program. The program is very general and includes topics like, "How to Survive Summer Vacation," "Dealing with Diversity," "How to Motivate Your Kids." The information is provided as a licensed family therapist, not as a juvenile court judge. Specific advice is not provided to any parent, and no specific parenting questions are answered on the program. At no time has information about the juvenile justice system been provided on the television program. No opinions on any matter have been expressed from the perspective of a juvenile court judge. The judge's participation is purely as a public service, without compensation. During the last nine years, the judge reports he has not experienced a conflict with the information he provides on the television program as a licensed family therapist and his duties as the municipal court juvenile judge.

Response.

The committee is of the opinion that the judge's commentary during a weekly television program, providing general parenting information based upon his expertise as a licensed family therapist, is a personal or extrajudicial activity which does not violate any Canon or Rule of the Wyoming Code of Judicial Conduct.

Discussion.

Canon 3 provides: "A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office."

Rule 3.1. *Extrajudicial Activities in General*, provides:

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;

- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment or other resources except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comment [1] to Rule 3.1 acknowledges that to the extent time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities *“In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.”* [Emphasis added.]

The fact situation presented to the committee describes personal or extrajudicial activities of an educational or civic nature. The activities appear to have been engaged in by the judge in a manner which has minimized the risk of conflict with the obligations of his judicial office. Specifically, the general parenting information is provided in his capacity as a licensed family therapist, not as a municipal court juvenile judge. The participation is purely as a public service, without compensation. No information about the juvenile justice system is provided during the television program. No opinions on any matter are expressed from the perspective of a juvenile court judge. It is reported that no conflict has been experienced with the information provided on the television program as a licensed family therapist and his duties as the municipal court juvenile judge.

Conclusion.

It is committee’s opinion that the judge’s participation in the weekly television program, providing general information in his capacity as a licensed family therapist under the circumstances described above do not violate any Canon or Rule of the Wyoming Code of Judicial Conduct.

FINALIZED AND EFFECTIVE this 25th day of July, 2014 by the Wyoming Supreme Court Judicial Ethics Advisory Committee.