3.01 Using the Judicial Office for Private Purposes. A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.¹

Commentary

[1] Maintaining the prestige of judicial office is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. Respect for the judicial office facilitates the orderly conduct of legitimate judicial functions. Judges should distinguish between proper and improper use of the prestige of office in all of their activities.²

[2] For example, it would be improper, for example, for a judge to allude to his or her judgeship to gain a personal advantage such as deferential treatment when stopped by a police officer for a traffic offense. A judge must avoid lending the prestige of judicial office for the advancement of the private interests of others. For example, a judge must not, or to use the judge's judicial position to gain advantage in a civil suit involving a member of the judge's family. Similarly, a judge must not use judicial letterhead for personal business.³

[3] In contracts for publication of a judge's writings, a judge should retain control over the advertising to avoid exploitation of Special considerations arise when judges write or contribute to publications, whether related or unrelated to the law. A judge should not permit the publisher of such materials to exploit the judge's office. As to the acceptance of awards, see Section 4D(5)(a) and Commentary.

¹ Canon 2B (deleted portions of this canon appear in Rule 2.10 and Rule 4.07)
² Canon 2B commentary
³ Canon 2B commentary
by, for example, praising the judge’s judicial accomplishments or, when the work is unrelated to the law, emphasizing the judge’s position.4

[4] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees seeking names for consideration, and by responding to official inquiries concerning a person being considered for a judgeship.5

[5] Although a judge should be sensitive to possible abuse of the prestige of office, a judge may provide, based on the judge’s personal knowledge, serve as a reference or provide a letter of recommendation. A Judge may provide a reference or recommendation for an individual based upon the judge’s personal knowledge. However, unless the recommendation is based upon information obtained through the judge's expertise or experience as a judge, the reference or recommendation should not be communicated on the judge’s judicial letterhead.

[6] See also Canon 5 regarding use of a judge's name in political activities. This rule does not apply to a judge’s use of his or her name in endorsements of himself or herself, or of other judicial candidates as permitted in Canon 5.7

[7] A judge must not testify voluntarily as a character witness because to do so may lend the prestige of the judicial office in support of the party for whom the judge testifies.8 See rule 4.07.

3.02 Use of Non-Public Information. A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information* acquired in a judicial capacity.9

Commentary

[1] In the course of performing their judicial duties, judges may acquire information of commercial or other value that is otherwise unavailable to the public. Judges must not reveal or exploit such information for personal gain or for any purpose unrelated to their judicial duties.

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4 Canon 2B commentary
5 Canon 2B commentary
6 Canon 2B commentary
7 Canon 2B commentary
8 Canon 2B commentary
9 Canon 3B(12)
3.03 Affiliation with Discriminatory Organizations. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin, ethnicity, or sexual orientation, and shall not use the facilities of such an organization to any significant extent.¹⁰

Commentary¹¹

[1] Membership of a judge in an organization that practices invidious discrimination gives rise to perceptions that the judge's impartiality is impaired. Whether an organization's practices are invidiously discriminatory is often a complex question. An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, religion, sex, national origin, ethnicity or sexual orientation individuals who would otherwise be admitted. Rule 3.03 does not prohibit a judge's membership in any United States military organization, an organization dedicated to the preservation of religious, ethnic or legitimate cultural values of common interest to its members, or one that is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited.

[1] Membership of a judge in an organization that practices invidious discrimination gives rise to perceptions that the judge's impartiality is impaired. Section 2 refers to the current practices of the organization. Whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive. The answer cannot be determined from a mere examination of an organization's current membership rolls but rather depends on how the organization selects members and other relevant factors, such as that the organization is dedicated to the preservation of religious, ethnic or cultural values of legitimate common interest to its members, or that it is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited. Absent such factors, an organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, religion, sex or national origin persons who would otherwise be admitted to membership. See New York State Club Ass'n, Inc. v. City of New York.¹²

¹⁰ Canon 2C
¹¹ Commentary is taken from Canon 2C commentary, note that the sentence order does not exactly comply with the 1990 Model Code.

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York, 108 S. Ct. 2225, 101 L. Ed. 2d 1 (1988); Board of Directors of
Rotary International v. Rotary Club of Duarte, 481 U.S. 537, 107 S.
Ct. 1940 (1987), 95 L. Ed. 2d 474; Roberts v. United States

[2] Moreover, public manifestation by a judge of the judge’s
knowing approval of invidious discrimination on any basis gives the
appearance of impropriety under Canon 2 Canon 1 and diminishes
public confidence in the integrity and impartiality of the judiciary, in
violation of Rule 2A 1.01. Although Section-2C Rule 3.03 relates
only to membership in organizations that invidiously discriminate
discriminating on the basis of race, sex, religion or, national origin,
ethnicity, or sexual orientation, a judge’s membership in or
significant use of an organization that engages in any
discriminatory membership practices organizations practicing
invidious discrimination on any other basis prohibited by the
applicable law of the jurisdiction also violates Canon 2 and Section
2A and gives creates the appearance of impropriety.

[3] Whether a judge’s use of the facilities of a discriminatory
organization is significant depends on whether the frequency or
nature of that use is sufficient to create the impression that the
judge approves of the organization and its practices. Accordingly, a
judge must not In addition, it would be a violation of Canon 2 and
Section-2A for a judge to arrange a meeting at a club that the judge
knows practices invidious discrimination on the basis of race, sex,
religion or, national origin, ethnicity or sexual orientation in its
membership or other policies, or for the judge to regularly attend
events at or regularly use other facilities of such a club.

[4] When a judge a person who is a judge on the date this Code
becomes effective [in the jurisdiction in which the person is a
judge] learns that an organization to which the judge belongs
engages in invidious discrimination that would preclude
membership under Rule 2C 3.03 or under Canon 2 Canon 1 and
Rule 2A 1.01, the judge is permitted, in lieu of resigning, to make
immediate efforts to have the organization discontinue its
invidiously discriminatory practices, but is required to suspend
participation in any other activities of the organization. If the
organization fails to discontinue its invidiously discriminatory
practices as promptly as possible (and in all events within a year of
the judge’s first learning of the practices), the judge is required to
resign immediately from the organization.