

FORMAL OPINION NO. 20*

This committee has been asked for its opinion on the propriety of the conduct of a Judge of an inferior court who contacted members of the Bar by telephone seeking their support and endorsement for an appointment to the District Bench made by the Governor upon the Bar's recommendation.

Such conduct violates the letter and spirit of the Judicial Canon of Ethics. Canon 30 reads in part:

"If a Judge becomes a candidate for any judicial office, he should refrain from all conduct which might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy or the success of his party."

It seems to us that the problem is magnified manifold by the fact that any attorneys whose support was enlisted had or might reasonably expect to have litigation in the candidate's Court. Obviously, these lawyers are under an inferred and sly pressure which would rob any such endorsement of true objectivity.

The Legal Ethics Committee of the American Bar Association in its Opinion No. 105, unanimously concurred that such conduct is offensive to judicial ethics.

DATED this 28th day of October, 1959.

*Although this opinion probably remains valid, the Committee on Ethics and Professional Responsibility of the Idaho State Bar no longer comments on the propriety of judicial conduct. Such conduct is regulated by the Idaho Judicial Counsel.