

1 **RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office**

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3 A judge shall not abuse the prestige of judicial office to advance the personal or *economic*
4 *interests* of the judge or others, or allow others to do so.
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7 **Comment**
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9 [1] It is improper for a judge to use or attempt to use his or her position to gain
10 personal advantage or deferential treatment of any kind. For example, it would be improper for a
11 judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic
12 officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting
13 his or her personal business.
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15 [2] A judge may provide a reference or recommendation for an individual based upon
16 the judge’s personal knowledge. The judge may use official letterhead ~~if the judge indicates that~~
17 ~~the reference is personal and if there is no likelihood that the use of the letterhead would~~
18 ~~reasonably be perceived as an attempt to exert pressure by reason of the judicial office~~ for such
19 reference.
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21 [3] Judges may participate in the process of judicial selection by cooperating with
22 appointing authorities and screening committees, and by responding to inquiries from such
23 entities concerning the professional qualifications of a person being considered for judicial
24 office. However, a judge should not serve on any screening committee.
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26 [4] Special considerations arise when judges write or contribute to publications of
27 for-profit entities, ~~whether related or unrelated to the law.~~ A judge should not permit anyone
28 associated with the publication of such materials to exploit the judge’s office in a manner that
29 violates this rule or other applicable law. ~~In contracts for publication of a judge’s writing, the~~
30 ~~judge should retain sufficient control over the advertising to avoid such exploitation~~ A judge
31 who writes or contributes to a publication that concerns the law, the legal system, or the
32 administration of justice does not violate this rule by allowing his or her title and judicial
33 experience to be used as a means of identification or to demonstrate an expertise in the subject-
34 matter of the publication. When writing for other publications, such as a work of fiction, a judge
35 may state his or her title in conjunction with biographical information that accompanies the
36 publication but may not use or permit the use of his or her judicial experience for the purpose of
37 advertising or promoting such publications.
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40 **Comparison to Ohio Code of Judicial Conduct**
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42 Rule 1.3, in many respects, is comparable to Ohio Canon 4(A). However, Canon 4(A)
43 uses the standard “lend the prestige of judicial office” as the test for a violation. Rule 1.3 adopts
44 a test that prohibits the “abuse of judicial office.” The test for a violation may be less restrictive
45 than under the Ohio Code.
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47 **Comparison to ABA Model Code of Judicial Conduct**

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49 Rule 1.3 is identical to Model Rule 1.3.

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51 Comment [2] is less restrictive than the Model Rule comment in that it does not require
52 the judge to indicate that the reference is personal, and the perception requirement is removed.
53 Further, Comment [2] is consistent with Advisory Opinions 95-5 and 98-4 issued by the Board of
54 Commissioners on Grievances and Discipline.

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56 Comment [3] is clarified to advise that while a judge may participate in the process of
57 judicial selection, participation as a member of a screening committee is prohibited.

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59 Comment [4] regarding publications has been amended to provide a more workable and
60 practical standard.