

1 **RULE 3.2 Appearances before Governmental Bodies and Consultation with**
2 **Government Officials**

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4 A judge shall not appear voluntarily at a public hearing before, or otherwise consult with,
5 an executive or a legislative body or official, except as follows:
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7 (A) In connection with matters concerning the *law*, the legal system, or the
8 administration of justice;
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10 (B) In connection with matters about which the judge acquired knowledge or
11 expertise in the course of the judge’s judicial duties;
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13 (C) When the judge is acting *pro se* in a matter involving the judge’s legal or
14 economic interests, or when the judge is acting in a *fiduciary* capacity.
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17 **Comment**

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19 [1] Judges possess special expertise in matters of law, the legal system, and the
20 administration of justice, and may properly share that expertise with governmental bodies and
21 executive or legislative branch officials.
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23 [2] In appearing before governmental bodies or consulting with government officials,
24 judges must be mindful that they remain subject to other provisions of this code, such as Rule
25 1.3, prohibiting judges from using the prestige of office to advance their own or others’ interests,
26 Rule 2.10, governing public comment on pending and impending matters, and Rule 3.1(C),
27 prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable
28 person to undermine the judge’s independence, integrity, or impartiality.
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30 [3] In general, it would be an unnecessary and unfair burden to prohibit judges from
31 appearing before governmental bodies or consulting with government officials on matters that
32 are likely to affect them as private citizens, such as zoning proposals affecting their real property.
33 In engaging in such activities, however, judges must not refer to their judicial positions, and must
34 otherwise exercise caution to avoid using the prestige of judicial office.
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37 **Comparison to Ohio Code of Judicial Conduct**

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39 Rule 3.2(A) is comparable to Ohio Canon 2(A)(2).

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41 Rule 3.2(B) has no comparable provision in the Ohio Code.
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43 Rule 3.2(C) is comparable to a portion of Ohio Canon 4(C)(1).
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Comparison to ABA Model Code of Judicial Conduct

Rule 3.2 is identical to Model Rule 3.2.