

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 2013-16

**Date of Issue:** September 19, 2013

■ Published Opinion     Unpublished Opinion     Unpublished Letter of Advice

Master May Serve on Commission on Child Custody Decision Making

**Issue:** May a master serve as a member of the Commission on Child Custody Decision Making?

**Answer:** Yes, subject to the qualifications set forth below.

**Facts:** Chapter 633, 2013 Laws of Maryland (House Bill 687) established a Commission on Child Custody Decision Making (the “Commission”) effective July 1, 2013. The Commission is comprised of various stakeholders from the Legislature and the Executive Branch, the Maryland State Bar Association, the University of Maryland School of Social Work, members of the Maryland bench, and a Family Law Master, among others. The Commission is charged with the responsibility of studying the practice, principles, and process for child custody decision making in Maryland. Chapter 633, Section 1(f)(1).<sup>1</sup>

**Discussion:** Maryland Rule 16-814, the Maryland Code of Conduct for Judicial Appointees, governs the conduct of judicial appointees and is patterned after the Code of Judicial Conduct. *Id.*, Preamble. The Code of Conduct for Judicial Appointees applies to an auditor, examiner or master appointed by a Maryland court. *Id.*, 16-814(a)(1). The Code of Conduct for Judicial Appointees thus is to be read in a manner consistent with parallel provisions in the Code of Judicial Conduct. *Id.*, Preamble.

As this Committee has already addressed the limitations for judges serving on the same Commission in [Opinion Request No. 2013-15], issued on September 18, 2013, and Rule 3.4 of the Code of Conduct for Judicial Appointees is substantively identical to Rule 3.4 of the Code of Judicial Conduct, the Committee adopts the analysis and conclusion contained in [Opinion Request 2013-15] and finds them equally applicable to judicial appointees.

**Application:** The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct described in this opinion, to the extent of your compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this opinion.

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<sup>1</sup> A list of the members and a more detailed review of the responsibility of the Commission on Child Custody Decision Making is contained in [Opinion Request 2013-15], issued on September 18, 2013.

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Additionally, the opinion should not be considered to be binding indefinitely. The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of fact that could affect the conclusion of the Committee. If you engage in a continuing course of conduct, you should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in the facts, submit an updated request to the Committee.