

Maryland Judicial Ethics Committee

Opinion Request Number: 1974-09

Date of Issue: December 27, 1974

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge May Appear as Judge in Mock Trial on Television;
Actual Courtroom and Jury Panel Not to Be Used

You have advised us that ... X Bar Association is planning to present a television program which will consist of a mock trial of a defendant charged with shoplifting. The participants will include two ... lawyers and a number of actors and actresses who will portray the defendant and the witnesses in the case. You have been asked to appear in the role of the judge before whom the case is tried.

In a formal letter opinion issued in May, 1973 [Opinion Request No. 1973-05], the Committee took the position that the participation by a Judge of the Juvenile Court in a juvenile proceeding to be staged and filmed at the studios of a _____ television station was not proscribed by either the Maryland Canons of Judicial Ethics or the Maryland Rules of Judicial Ethics and that participation in an activity of such a nature by a judge may even be encouraged by Canon XXII. The conclusion was conditioned, however, on the proviso that the tape could not be used in support of an appeal for funds, nor could it be directly sponsored by an advertiser. To this should be added a further condition that the participation by the judge should be limited to a single program and not to a series of programs or a program presented in segments.

Your letter makes further inquiry with respect to the propriety of the use of your courtroom as a setting for the production and of the participation of an actual jury panel in the program. The Committee is of the opinion that the production should not be filmed in a courtroom and that an actual jury panel should not be permitted to participate in the filming.