

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 2019-31

**Date of Issue:** October 25, 2019

Published Opinion    Unpublished Opinion    Unpublished Letter of Advice

**A Judge may not appear in an advertisement for a private elementary school.**

**Issue:** May a judge appear in an advertisement for a private elementary school?

**Answer:** No.

**Facts:** A judge has been requested by the private elementary school of which he/she is an alumnus/a to appear in an advertisement for the school. The advertisement would consist of a photograph of the judge and an identification of his/her judicial position.

**Discussion:** School administrators are understandably proud of the success of graduates and the honor they bring to the school. The requesting judge has been very successful academically and professionally, achieving a position recognized by the public to be one of prominence. The school wants to use that prestige of the judge to promote itself.

Rule 18-101.3, Maryland Code of Judicial Conduct (Title 18, Chapter 100 of the Maryland Rules) (the “Code”) forbids a judge from using the “prestige of office” to advance the interests of others. The judge may not appear in the advertisement.

**Application:** The Judicial Ethics Committee cautions that this Opinion is applicable only prospectively and only to the conduct of the Requestor described herein, to the extent of the Requestor’s compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this Opinion. Additionally, this 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 facts that could affect the conclusion of the Committee. If the request for advice involves a continuing course of conduct, the Requestor 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 facts, submit an updated request to the Committee.