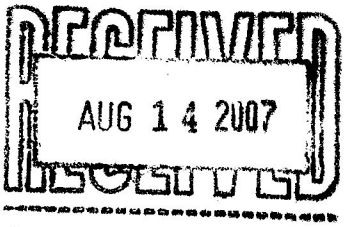
JUDICIAL ETHICS COMMITTEE
Advisory Opinion 07-1
Issued: August 9, 2007



Issue

Whether a Judge of the Maine District Court would violate any of the Canons of Judicial Conduct in presiding and carrying out the duties assigned to the Advisory Committee on Children and Families.

Statement of Facts

The assignment to the Standing Committee on Children and Family, formerly known as the Court Services Advisory Committee, is contained in a Memorandum dated February 23, 2007, approved by Chief Justice Saufley, which is attached to this Advisory Opinion and incorporated herein as Exhibit 1.

The Judge is unclear in view of Judicial Canon 4 (C) (1) and perhaps other Canons as to whether his action as a presiding officer would be prohibited.

Discussion

Canon 4(C) (1) of the Code of Judicial Conduct provides as follows:

> "A judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interest."

Conclusion

In Advisory Opinion 03-1 issued 07/24/2003, this Committee stated that the language set forth above applies to legislative and executive public hearings and not to adjudicatory hearings. The Supreme Judicial Court in York Register of Probate v. York County Probate Court, et al, 845 A.2d 395: 2004 ME 58 (Me. 2004) stated that there was a clear distinction between actions taken by a Judge acting in a judicial capacity and actions that are administrative in nature.

It would appear from reading the assignment from the Chief Justice that the Advisory Committee of which the Judge is Chairman, has been assigned an administrative function to review Court sponsored services and projects relating to children and families and report to the Supreme Judicial Court the various areas assigned in Exhibit 1. It also appears that the matter under consideration concerns matters concerning the law, the legal system and/or the administration of justice, one of the specific exclusions under Canon 4(C)(1).

Having concluded that a presiding judge may carry out the administrative assigned duties, we are not in a position to advise as to the methods and procedures that should be followed by the Committee or its Chairman.

P:\Users\rputnam\JudicialEthics\Opinion 07-1.doc