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Articles

JUDICIAL ETHICS ADVISORY COMMITTEES SHOULD RENDER OPINIONS WHICH ADHERE TO BINDING UNITED STATES CONSTITUTIONAL PRECEDENTS

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Judicial ethics advisory committees provide legal advice to judges who inquire whether their prospective conduct is prohibited or permitted by the judicial ethics code. This article argues that judicial ethics advisory committees should consider binding constitutional precedents when rendering their advice. Failure to do so may chill judges' exercise of constitutional rights; may cause judges to needlessly spend time and money seeking declaratory relief to avoid the risk of discipline; may cause judges to risk a disciplinary prosecution in which judge's failure to comply with committees' constitutionally incorrect advice may be used against them; may deprive judges of favorable advisory opinions which judges can use to defend against judicial ethics prosecutions; and may deter judges from seeking the committees' advice in the future.

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