

Judicial Ethics:

What Every Lawyer Needs to Know

by Kenneth Montero

Why should Virginia lawyers care about the codes of conduct that govern judges? There are several reasons. First, effective January 1, 2000, the Virginia Rules of Professional Conduct, which govern the conduct of Virginia lawyers, implicitly require Virginia lawyers to have a working knowledge of the Canons of Judicial Conduct for the Commonwealth of Virginia (hereafter called Virginia Canons) and the Code of Conduct for United States Judges (hereafter called Federal Canons), for dealing with certain judicial ethics violations. Second, the Judicial Canons dictate what a judge does regarding attorneys in the judge's courtroom. Finally, the Judicial Canons have an impact on what attorneys do outside of the courtroom when their acts impact a judge.

Throughout this article, the following terms will be used:

1. "Rule" or "Rules" means the Virginia Rules of Professional Conduct, which govern the activities of Virginia lawyers.
2. "Canons" means both the Canons of Judicial Conduct for the Commonwealth of Virginia (hereafter called Virginia Canons) and the Code of Conduct for United States Judges (hereafter called Federal Canons). [The specific provisions of the current Virginia Canons and the federal Code, and where to find them, are discussed later in this article.]
 - "Virginia Canons" or "Va. Canon" means the Canons of Judicial Conduct for the Commonwealth of Virginia.
 - "Federal Canons" or "Fed. Canon" means the Code of Conduct for United States Judges (hereafter called Federal Canons). The format for this Code is similar to the Virginia Canons, including the use of the term "Canons" to designate the major principles of judicial ethics.
3. "Advisory Opinions" means an advisory opinion by a governmental body charged with rendering ethics advisory opinions.
 - "Va. JEAC Op." means an opinion of the Virginia Judicial Ethics Advisory Committee, which the Supreme Court of Virginia created to render formal ethics opinions regarding the Virginia Canons.
4. "Compendium" means the federal compendium of published and unpublished ethics opinions affecting federal judicial branch personnel (not just federal judges).

When the discussion refers to both the Virginia and Federal Canons, reference will be made to "Canons." Otherwise, reference will be made to the Virginia or Federal Canons as applicable. The same approach is used regarding advisory opinions. References to the federal compendium of published and unpublished opinions will be made to the Compendium.

The Canons of Judicial Conduct impact litigators — what about lawyers who maintain an office practice?

Many lawyers think that judicial ethics is important only to litigators. This is not true. Judicial ethics also impact lawyers who:

- provide legal services to a judge,
- own assets jointly with a judge,
- participate in substantial financial activities with a judge,
- interact with a judge in matters to improve the law, the legal system or the administration of justice, or
- have a social relationship with a judge.

For example, may you handle a real estate closing on the judge's marital abode for free because he or she is a judge, even if he or she is a former partner or friend? Would it make any difference if you extended such professional courtesy to other members of the bar? Also, what happens if a trust and estate lawyer names an active state court judge as the sole executor in a will or as sole trustee in a testamentary trust? Would it make any difference if the testator were a member of the judge's family? Would it make any difference if the judge is retired, or is a substitute judge? Similarly, may the judge and the judge's spouse be invited to be the honoree at a charity fundraising dinner because of the judge's many hours of service when in private practice? May a judge personally ask you to join the charity? Would it make any difference if the judge and the judge's spouse were invited to a bar association's annual dinner as guests of the bar association? May you give a judge two hard-to-get tickets to a professional football game? Would it make any difference if you and the judge were long-standing friends who periodically exchanged social gifts?

Keep reading for the answers to these and similar questions.

Which rules require knowledge of the Canons of Judicial Conduct and the Code of Judicial Conduct?

Rule 8.3(b) deals with reporting violations of the Canons by a judge. Rule 8.4(e) deals with lawyer misconduct for knowingly assisting a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

What does Rule 8.3(b) REALLY require?

Rule 8.3(b) provides that: “A lawyer having reliable information that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office shall inform the appropriate authority.”

“[H]aving reliable information that a judge has committed a violation of applicable rules of judicial conduct...” has several parts. First, “having reliable information” indicated more clearly than “knowledge” (which was in the ABA Model Rules) the sort of information that should support a report of attorney (including judicial) misconduct.¹ This means more than mere rumor. (In contrast, see also Rule 8.2, which prohibits making false statements, etc., about the qualifications or integrity of a judge, including the spreading of rumors.) The “reliable information” standard is the same standard that an attorney would use in deciding how to proceed with a case, including the quality of both the source of information and the details of the events. Second, “committed” means “done or perpetrated,” without regard to intent. Third, “violation” means “infringement or breach” without regard to volition. Finally, “applicable rules of judicial conduct” means:

- the Canons of Judicial Conduct for the Commonwealth of Virginia for matters involving state court judges occurring on or after July 1, 1999,
- the Canons of Judicial Conduct for the State of Virginia for matters occurring before that date, and
- the Code of Conduct for United States Judges for matters involving federal court judges.

[The specific provisions of the current Virginia and Federal Canons are discussed elsewhere in this article.]

Only a violation that “raises a substantial question as to the judge’s fitness for office” is *required* to be reported.² Comment [3] to Rule 8.3 notes that “substantial” refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. It also notes that the Rule limits the reporting *obligation* to those offenses that a self-regulating profession must vigorously endeavor to prevent. Some violations obviously raise such a substantial question, such as accepting a bribe or conducting a trial *ex parte* without legal authority to conduct an *ex parte* trial. Some violations do become so only through repetition, and some are not obvious for lack of background about prior behavior.

The Virginia Canons adopt an analogous concept: “It is not intended, however, that every transgression will result in disci-

plinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.”³ Substantially the same applies in the Federal Canons.⁴

Virginia lawyers should remember that even though a violation may not be substantial and require reporting, any violation *may* be reported by informing the appropriate authority. So-called minor violations should be reported so that the appropriate authority can promptly address the matter and corrective action can be taken before there is repetition that raises a substantial question. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to establishing, maintaining, enforcing and observing high standards of conduct.⁵

There is more than one “appropriate authority” in many cases. The judicial disciplinary organization is always an appropriate authority (for Virginia judges, the Judicial Inquiry and Review Commission;⁶ for federal judges, the chief judge of the appropriate court of appeals through the clerk of that court?). Each is *the* appropriate authority for a violation that raises a substantial question about fitness for office.⁸ For Virginia judges, the chief judge of the circuit or district, or one of the judge’s colleagues, may be a more appropriate authority for comparatively minor matters, especially where a lawyer is simply seeking improvements in a judge’s demeanor (meaning conduct or behavior).⁹ Most judges would rather have a minor problem be addressed to the offending judge directly or to the judge’s colleagues than to the Judicial Inquiry and Review Commission.

For the average practitioner, there may be questions as to whether a particular incident or situation is a violation of the Canons and, if so, must it be reported. Counsel and Assistant Counsel to the Judicial Inquiry and Review Commission are available at (804) 786-6636 for consultation regarding these matters involving state court judges. The Virginia State Bar no longer interprets the Canons of Judicial Conduct.¹⁰

How does Rule 8.4(e) REALLY apply?

Rule 8.4(e) provides that it is professional misconduct to *knowingly* assist a judge in conduct in violation of the Canons or Code or other law. In the Terminology portion of the Preamble of the Rules, “knowingly” is a defined term that denotes actual knowledge of the fact in question. “*A person’s knowledge may be inferred from the circumstances.*”

The aphorism, “ignorance of the law is no excuse,” applies more strongly to lawyers as a group than to any other group because of our education and experience in the law. Under such circumstances, a lawyer’s knowledge of the provisions of the Canons or Code may be presumed.¹¹ Thus, a lawyer may be presumed to know if the conduct in question, at least in the abstract, is in violation of the Canons or Code.

Consequently, the only question that may remain open is whether the lawyer knew enough facts about the judge's conduct to know, by applying the Canon or Code, whether the conduct was in violation of the Canons or Code. For example, if a senior partner appears with an associate before an out-of-town judge and, unbeknownst to the senior partner, (1) the associate is the judge's niece and (2) the judge does not recuse and proceeds to hear the case, the senior partner may not have violated Rule 8.4(e) because he or she did not know that the judge and the associate are with the third degree of kinship which requires disqualification. However, the associate may have violated Rule 8.4(e), assuming that she knew that the judge was her uncle.

While Rule 8.3(b) applies only to violations of the Canons that raise a substantial question as to a judge's fitness for office, Rule 8.4(e) applies to *any* violation of the Canons or Code.

Rule 8.4(e) has a corollary in Rule 8.4(a), which provides that it is professional misconduct to knowingly assist or induce a lawyer to violate the Rules, or to do so through the acts of another. This includes all Virginia judges, since they must be lawyers¹² and are also governed by the Rules. [Note: The application of the Rules to judges is beyond the scope of this article.]

Where do I find the Canons of Judicial Conduct and Advisory Opinions?

The Canons of Judicial Conduct for the Commonwealth of Virginia, effective July 1, 1999, constitutes Part 6, § III of the Rules of the Supreme Court of Virginia. They are found in Volume 11 of the Code of Virginia (after the Rules of Professional Conduct), on the Supreme Court of Virginia Web site, <http://www.courts.state.va.us>, under "Judicial Inquiry and Review," and in various Virginia law on-line and CD-ROM products. Formal advisory ethics opinions for Virginia judges are rendered by the Virginia Judicial Ethics Advisory Committee. Their opinions and the order of the Supreme Court of Virginia creating their rules can be found at <http://www.courts.state.va.us/jirc/opinions.html> or by contacting the Judicial Inquiry and Review Commission, P.O. Box 367, Richmond, Virginia 23218-0367. These opinions apply to judges of the courts of the Commonwealth of Virginia.

The Code of Conduct for United States Judges as amended through September 1996 is found in 175 F.R.D. 363 (1998), Westlaw, and in Volume Two of the Guide to Judiciary Policies and Procedures, issued by the Administrative Office of U.S. Courts (available in courts, depository libraries for federal documents, and from the Government Printing Office). The text found at Cornell University School of Law Legal Information Institute Web site, <http://www2.law.cornell.edu>, as of this writing, does not reflect the changes to Code Canons 3C(3)(a) and 5C(4) adopted in September 1996 and published in 1998. The Guide to Judiciary Policies and Procedures also contains published advisory opinions and a compendium of published and unpublished opinions from the Committee on Codes of Conduct. Caution should be exercised in using both the advisory opinions and the compendium because some of the materials address, in whole or in part, codes of conduct for other judicial branch personnel.

Virginia State Bar Ethics Advisory Opinions are found in two volumes titled, "Legal Ethics and Unauthorized Practice Opinions" (dated as 1991 and 1996 Added Volumes) printed with the Code of Virginia. These volumes also contain an index. On-line versions of these opinions beginning with Opinion No. 1360 can be accessed at www.vsb.org/profguides/opinions.html. Thomas E. Spahn, Esquire, has created an index of all Virginia State Bar and American Bar Association opinions. That index can be found through the above Web site or at www.mcguirewoods.com/services/leo.

What should lawyers know about the Canons of Judicial Conduct?

This part of the article will discuss the Canons and the Rules of Professional Conduct. Comments regarding the Code of Conduct for United States Judges, if different, will follow in the text or in the notes.

In some instances, these comments will be addressed to the impact of the Canons on a judge and a lawyer. In other instances, these comments will discuss only the impact on a judge so that a lawyer will know how the Canons impact and can act accordingly.

Who is a "judge" under the Canons?

The Virginia Canons apply to all active Justices of the Supreme Court of Virginia, Judges of the Court of Appeals of Virginia, Circuit Courts, General District Courts, and Juvenile and Domestic Relations District Courts, and Members of the State Corporation Commission and Virginia Workers' Compensation Commission.¹³ The Virginia Canons also apply with *specific exceptions* to retired Justices, Judges and Members eligible for recall to judicial service,¹⁴ substitute judges,¹⁵ special justices and (while so acting) judges pro tempore.¹⁶ The Virginia Canons do not apply to magistrates.¹⁷ In this article, when discussed as a group, these people are called Virginia judges.

The Federal Canons apply to all United States Circuit Judges, District Judges, Court of International Trade Judges, Claims Court Judges, Bankruptcy Judges, and special masters and commissioners¹⁸ and *with specific exceptions* to part-time and retired judges and to judges pro tempore.¹⁹ In this article, when discussed as a group, they are called Federal judges.

What are the Provisions that lawyers should know?

**Preamble and Canon 1
General—Integrity and independence of the Judiciary**

The Preamble to the Virginia Canons contains many guiding principles, many of which are found in the Scope and Terminology parts of the Preamble to the Rules of Professional Conduct:

- The Canons and the Sections within a Canon are authoritative, the Commentary is not.

- “Shall,” “shall not,” “must,” and “must not” are binding; “should” and “should not” are not binding but state what is or is not appropriate, and “may” is discretionary.
- The Canons and Sections are rules of reason.
- The Canons are for guidance to judges, not to create a basis for legal action or tactical advantage.

The last two items also are found in the Federal Canons as Canon 1, Commentary. The Federal Canons generally use “should,” as was done in the 1972 ABA Code of Judicial Conduct, which has often, but not always, been interpreted to mean “shall.”

Canon 1 is the guiding light of the Canons. It requires judges to establish, maintain, enforce and observe high standards of conduct to preserve the integrity and independence of the judiciary. The same concept is found in the Preamble to the Virginia Rules of Professional Conduct.

As pointed out in the Commentary,²⁰ deference to court rulings and judgments depends on public confidence in the integrity and independence of judges, which depends on judges acting without fear or favor.

While judges are to be independent, they should comply with the law, including the Canons.²¹ This is how the integrity of the judiciary is established, and why the public will accept the independence that is necessary for justice in decision-making.

Public confidence is maintained by adherence by each judge to this responsibility, and it is correspondingly diminished by each violation of the Canons.²² The vast majority of the public accepts decision-making, even when adverse, when there is a perception that everyone is “playing by the rules.” Each time that a judge fails to observe this criterion, the image or the entire judiciary is hurt.

To remedy individual shortcomings and to maintain its independence, the judicial branch has two different review mechanisms. For errors in rulings and decisions, there are the rehearing, extraordinary writs (mandamus, prohibition, etc.) and appeal processes through the courts. For matters of judicial conduct that violate judicial ethics, there is the disciplinary system through judicial conduct organizations such as the Virginia Judicial Inquiry and Review Commission.

The usual purpose of the judicial disciplinary process is to determine if there has been a failure to comply with the law governing judicial conduct (Canons and statutes) and, if so, to change the judge’s conduct so that the judge complies with the Canons in the future, including following the law. However, if the violations are particularly persistent or egregious, the judicial disciplinary process may impose punishment.

While there is some potential overlap between the two review mechanisms in adjudicatory matters, a judicial conduct organization is not a substitute error-correcting court (rehearing,

extraordinary writs, appeals) because, among other things, it cannot change a judge’s rulings or decisions. Generally, judicial conduct organizations will not address matters that could have been addressed at trial or through the error-correction process because those processes are the most appropriate ones for addressing the matter and there is a need to maintain judicial independence. This is particularly true when a complainant has information about a potential ethics matter and chooses not to act upon it at trial or through the error-correction process. The Federal system excludes some types of complaints from the judicial disciplinary process (because they can be reviewed through the appellate process, such as bias towards a particular person)²³ that might be considered by the Virginia system.

There are exceptions to this policy. They are discussed in this article when the subject matter arises.

Since the Commission does not have the authority to change a judge’s decision, counsel first should appeal or seek a rehearing or an extraordinary writ to address the problem. Once the judge in question no longer has jurisdiction over the case, a complaint also may be filed. In the meantime, it is a good idea to begin composing the complaint while memories are fresh.

If a complaint is received while the case is pending, the Commission generally will put it in abeyance until the judge in question no longer has jurisdiction over it because the Commission does not want to do anything that could appear to be taking action on behalf of a particular party.

Not all matters of judicial ethics involve a pending case. Examples include improper business activity or acting as legal counsel for a charity. In such instances, the matter can be addressed promptly.

As mentioned before, Counsel and Assistant Counsel to the Virginia Judicial and Inquiry Commission are available for consultation regarding matters involving state court judges. The Virginia State Bar no longer interprets the Canons of Judicial Conduct.²⁴

Canon 2 Impropriety and appearance of impropriety

Canon 2 requires judges not only to avoid impropriety, but also the appearance of impropriety. Thus, a judge shall act at all times (both in professional and personal conduct) in a manner that promotes public confidence in the integrity and impartiality of the judiciary²⁵ and accept restrictions that might be viewed as burdensome by ordinary citizens.²⁶

Many of the restrictions placed on judges (and in turn on those who interact with judges) are placed not because the action would be improper, but because it can create the appearance of being improper and public confidence is essential to preserving the integrity and independence of the judiciary. The same concept applies to others who exercise power through government or private sector organizations (conflict of interest provisions, etc.).

The language in Canons 2, 2A, 2B, 2C, and the Commentary to Canon 2A are the same in the Virginia Canons and the Federal Canons. In the Commentary to Canon 2B, there are these differences:

- The Virginia Canons contain a paragraph dealing with prestige of office that is not found in the Federal Canons.
- The Federal Canons contain comments on testifying as a character witness and being a published author,²⁷ which the Virginia Canons do not have.
- The Virginia Canons comment on permitted use of court letterhead generally, which the Federal Canons do not.

The Canons address specific instances in which, to avoid impropriety or its appearance, the judge must:

- Not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment²⁸ (*see* Rules 1.11(a)(2 & 3), 3.5(d), and 8.4(d) for similar rules affecting attorneys);
- Not lend the prestige of judicial office to advance the private interests of the judge or others²⁹ (*see* Rule 1.11(a)(1) for similar rule affecting attorneys);
- Not convey or permit others to convey the impression that they are in a special position to influence the judge³⁰ (*see* Rule 8.4(d) for similar rule affecting attorneys);
- Not testify as a character witness;³¹ and
- Not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.³²

Two sources of ethics inquiries by judges that have been of interest to lawyers have been membership in private clubs³³ and letters of recommendation.³⁴

Regarding membership in a private social organization, determining whether an organization, including a neighborhood pool association, invidiously discriminates or whether it fits one of the exceptions (such as belonging to a group that requires a specific religious belief) can be quite complex. A judge may not maintain membership in a club nor regularly use a club that practices invidious discrimination on the basis of race, sex, religion, or national origin.³⁵

These social organization matters deal with the appearance of impropriety and diminution of public confidence in the integrity and impartiality of the judiciary.³⁶ Similar provisions apply to federal judges, who may accept honorary memberships in such clubs if such privileges are extended to other similarly situated dignitaries unless the clubs practice invidious discrimination.³⁷

However, fraternal organizations devoted to charitable work with religious focus and not providing business or professional opportunities to members, and which are dedicated to the preservation of religious and cultural values of legitimate common interest to members, such as the Masonic orders, are not considered to be organizations practicing invidious discrimination even though women are not permitted to be full-fledged members.³⁸ The same would apply to a purely social organization with a limited membership chosen by selective criteria, having no business or commercial purpose or advantage, and which is not in violation of state or local law.³⁹

Historically, country clubs and similar exclusive-membership clubs owning entertainment, exercise or dining facilities practiced invidious discrimination. Many have eliminated all or most of these policies. The challenge for the judge is to determine whether such organizations still have such discriminatory policies in effect.

Regarding letters of recommendation, while a judge may write letters of recommendations in certain circumstances (for example, the judge's law clerk⁴⁰), an attorney should not ask a judge for a letter recommending the attorney's child to the judge's alma mater when the judge does not know the child. The reason that a judge should not send such a letter absent personal knowledge of the subject of the recommendation is that he or she is lending the prestige of the judge's office to the private benefit of another⁴¹ and there is no other reason for the judge to write such a letter.

Similarly, an attorney should not ask a judge to write a letter on behalf of a defendant to the sentencing judge or probation officer because it not only lends the prestige of office, but also creates the appearance of undue influence⁴² and puts the judge in the position of testifying *in absentia* as a character witness. However, a judge may respond to a formal request for information⁴³ because the judge then is not acting on anyone's behalf.

The potential for improper use of the prestige of office has been the subject of several formal opinions of the Virginia Judicial Ethics Advisory Committee. A substitute judge may not list the judicial office in the judge's biography in a law firm's public Web site⁴⁴ or in *Martindale-Hubbell*.⁴⁵ A substitute judge also may not perform marriages in his or her role as substitute judge in most circumstances⁴⁶. It is one of several ethical reasons why a judge should not serve on a juvenile group home that accepts court referrals⁴⁷ or regularly participate in media interviews concerning legal issues,⁴⁸ and was addressed when considering if, and to what extent, a judge could serve on a Community Criminal Justice Board.⁴⁹ Similarly, the Federal Committee on Codes of Conduct has opined on such matters as judges writing a foreword to a new book or a book review, or speaking about new technologies,⁵⁰ as long as they do not permit exploitation of the judicial office.

Similarly, the Virginia Ethics Advisory Committee has addressed acting in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A substitute judge should not list his or her judicial status in a legal directory.⁵¹

The Virginia State Bar Legal Ethics Committee found that it was not improper to hang in the courthouse a portrait of a retired judge whose law firm members practice there, although it was suggested both that it was more tasteful to hang it in a place other than in the courtroom and that lawyers in the firm should be alert not to trade on the former judge's status.⁵² In a firm who has a lawyer who served as a commissioner in chancery in a divorce before becoming a district court judge, it is not improper for a member of the firm to represent one of the parties because the former member's quasi-judicial status of the firm was personal to the officeholder.⁵³ A lawyer may not serve as commissioner in chancery in a divorce involving a judge of the circuit in which he is appointed.⁵⁴

The Virginia State Bar Legal Ethics Committee has also addressed the appearance of influencing the court by attorneys appearing before the judge when a family member practices in that firm (disclosure by firm, recusal by judge, with option for waiver of disqualification)⁵⁵ or is a support staff member (disclosure by firm).⁵⁶

... to be continued in January 2001 Virginia Lawyer Register with "Canon 3—Judge's Responsibilities to the Judicial Office"

1 Rule 8.3, Committee Commentary.
 2 But see Rule 8.3, Comment [4] creating a partial exception for a lawyer who is representing a judge.
 3 Va. Canons, Preamble.
 4 Fed. Canon 1 Commentary.
 5 Va. and Fed. Canon 1, Commentary.
 6 P.O. Box 367, Richmond, Virginia 23218-0367, tel. (804) 786-6636. *See also* "What every lawyer needs to know about the Judicial Inquiry and Review Commission," 46 *Va. Lawyer Register*, No. 8, pp. 6–8 (March 1988).
 7 All complaints are filed in writing with the clerk of the court of appeals of the circuit where the judge holds office, and the clerk forwards them to the chief circuit court judge, who starts the process. In the Fourth Circuit, complaints are handled for the Clerk, United States Court of Appeals, 1100 East Main Street, Richmond, Virginia 23219, tel. (804) 916-2700. A copy of the complaint procedure and form are available from the clerk.
 8 Va. Const. Art. VI, § 10; Va. Code § 2.1-37.4; 28 U.S.C.A. § 372.
 9 Rule 8.3, Comment [3], "A report should be made the bar disciplinary agency unless some other agency, such as a peer review agency, is more appropriate in the circumstances. Similar considerations apply to the reporting of judicial misconduct."
 10 Va. LE Op. No. 1548.
 11 *See Shea v. Virginia State Bar*, 236 Va. 442, 374 S.E.2d 63(1988) (Every lawyer in Virginia is expected to be fully aware of each and every disciplinary rule and cannot escape a finding of misconduct by claiming ignorance of the rules).
 12 Va. Const. Art. VI, § 7; Va. Code § 16.1-69.15.
 13 Va. Canons, Preamble.
 14 Va. Canons, Preamble, and Canon 6B.
 15 Va. Canons, Preamble, and Canon 6C.
 16 Va. Canons, Preamble, and Canon 6A.
 17 Va. Canons, Preamble.
 18 Fed. Canons, footnote 1 to title.
 19 Fed. Canons, Compliance with the Code of Conduct (hereafter called "Compliance"), A., B, and C.
 20 Va. and Fed. Canon 1, Commentary.
 21 Va. and Fed. Canon 1, Commentary.
 22 Va. and Fed. Canon 1, Commentary.

23 Rules of the Judicial Council of the Fourth Circuit Governing Complaints of Judicial Misconduct and Disability, Notice to Persons Considering Filing a Complaint of Judicial Misconduct or Disability.
 24 Va. LE Op. No. 1548.
 25 Va. and Fed. Canon 2A and Commentary.
 26 Va. and Fed. Canon 2A, Commentary.
 27 See also Fed. Advisory Op. 9, Testifying as a Character Witness.
 28 Va. and Fed. Canon 2B.
 29 Va. and Fed. Canon 2B; see also Va. Canon 4A(1) and Fed. Canon 4.
 30 Va. and Fed. Canon 2B.
 31 Va. and Fed. Canon 2B.
 32 Va. and Fed. Canon 2C.
 33 Va. and Fed. Canon 2C, Commentary.
 34 Va. Canon 2B, Commentary.
 35 Va. and Fed. Canon 2C and Commentary; also Canon 2 and 2A.
 36 Va. and Fed. Canon 2C, Commentary.
 37 Fed. Advisory Op. 47.
 38 Commentary, § 2.14(b)(Masonic orders, not permitting women to become members). This opinion is not without its critics (Memorandum dated August 8, 2000, to Kenneth Montero from Cynthia Gray, Director, Center for Judicial Conduct Organizations, American Judicature Society, opining that the opinion is not well reasoned).
 39 Commentary, § 2.14 (c-1).
 40 Compendium, § 2.1(k).
 41 Va. Canon 2B, Commentary; Fed. Advisory Op. 73.
 42 Fed. Advisory Op. 65.
 43 Va. Canon 2B, Commentary; Fed. Advisory Op. 65, Compendium § 2.1(b), (c).
 44 Va. JEAC Op. 99-1.
 45 Va. JEAC Op. 99-8.
 46 Va. JEAC Op. 99-2.
 47 Va. JEAC Op. 00-03.
 48 Va. JEAC Op. 99-7.
 49 Va. JEAC Op. 00-02.
 50 Compendium, § 2.1(d).
 51 Va. JEAC Op. 99-8.
 52 Va. LE Op. No. 433.
 53 Va. LE Op. No. 1439.
 54 Va. LE Op. No. 737.
 55 Va. LE Op. Nos. 624, 676, and 750.
 56 Va. LE Op. No. 845.

Author's Credits and Disclaimer

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