

Judicial Qualifications Commission

State of Georgia

Commonly Asked Questions of the Director

The following questions and answers summarize some common questions about the Code of Judicial Conduct posed to the Director and the corresponding answers. For brevity, these summary answers are abbreviated and do not include relevant analysis and supporting authority. These answers are merely the Director's Opinion under Judicial Qualifications Commission Rule 28.A. As such, they are not binding on the Commission, the Supreme Court, or otherwise. They do not establish a general standard of conduct and are subject to change without notice.

Q: Can a judge publicly support a political candidate?

A: No. A judge may not publicly support a political candidate by placing yard signs, displaying bumper stickers, wearing buttons, or doing other activities that may constitute a public endorsement of that candidate.

Q: Can a judge donate money to a political candidate?

A: Yes. Judges may make private, financial contributions to candidates.

Q: May a judge send a recommendation letter on behalf of a colleague or employee under consideration for another position?

A: Yes. A judge may send a recommendation letter if the judge personally knows the person and can speak to the person's relevant qualifications or attributes for the position. A judge should avoid, however, advocating for one candidate over another and keep the recommendation factual, succinct, and discrete.

Q: May a judge sit on the Board of Directors for a Non-profit?

A: Yes. If a judge does not participate in fundraising or solicit money for such organizations, judges may sit on the Board of Directors. Judges may, however, help manage the funds of the organization and participate in its financial governance.

Q: May a judge participate in fundraising or the solicitation of funds if the judge does not disclose his or her judicial position during such activities?

A: No. A judge may not participate in such activities even if the judge's office is not disclosed. Judges may recommend projects and programs concerning the law, the legal system and the administration of justice to fund-granting agencies.

Q: May a judge run for a non-judicial elected office while remaining a judge?

A: No. Upon becoming a candidate for a non-judicial elected office, that judge must resign from judicial office, unless permitted by law to continue holding such office.

Q: May part-time judges practice law in the court on which the judge sits?

A: No. Part-time judges may not practice in the court on which they serve or in any court over which their court exercises appellate jurisdiction. Furthermore, part-time judges may not act as a lawyer in any case for which they have served as a judge or a case related thereto.

Q: May a judge provide voluntary character testimony on behalf of another person in a case?

A: No. A judge may not provide voluntary character testimony on behalf of another person. If a judge is properly subpoenaed to testify in a case, however, that judge may do so.

Q: May a judge's spouse or other family member be involved in politics, whether as a volunteer, candidate, or otherwise?

A: Yes. A judge's family member may be involved in politics, whether the family member decides to run themselves as a candidate or support another candidate for office. Those family members should take care not to suggest that they are acting on behalf of the judge.

Q: May a judge's employees—law clerks, secretaries, or other staff—be involved in politics?

A: Yes. Employees may voluntarily engage in political activity outside of their official court duties. A judge may not instruct employees to endorse or support political candidates, and employees should take care not to suggest they are acting on behalf of the judge or the court.

Q: May a judge hire a relative?

A: No. Judges must avoid nepotism or even the appearance of the same.

Q: May the court a judge works on hire the judge's relative?

A: Yes. If the judge-relative is not involved in the hiring process and all candidates are reviewed fairly and on their merit for the position.

Q: May a judge preside over a case where one of the parties is represented by one of the judge's former employees or law partners?

A: Maybe. It depends on how much time has passed since the attorney was in the employ of, or partnered with, the judge. Generally, if more than a year has elapsed, the judge may preside. The judge should in any event disclose the former relationship at the outset of the case.

Q: May a judge serve as a trustee or executor/executrix?

A: Maybe. Judges should not serve as fiduciaries, except for the estates, trusts, or persons who are in the judge's family. Even then, a judge may only serve in such a capacity for family when that service will not otherwise interfere with the performance of the judge's duties.

Q: May a judge engage in outside business ventures?

A: Yes, subject to a few restrictions. Judges may generally hold and manage investments, including real estate or the operation of a business. However, judges should not engage in a business related to court services, and judges should manage investments and other interests to minimize the potential for disqualification. For example, judges should refrain from business dealings with lawyers, law firms, businesses, and state agencies who regularly or are likely to appear before them.