

**FILED**

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**SPECIAL COMMITTEE ON JUDICIAL CAMPAIGN  
INTERVENTION-2006 JUDICIAL ELECTIONS**

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

OPINION 2006-002

2002-M-993-SCT

The Special Committee has been asked by candidates to render an advisory opinion on the use of the word “judge” in campaign literature if the candidate currently holds a judicial office other than the office for which he/she is a candidate. The Special Committee has further received inquiries about the use of the word “judge” in campaign materials by candidates who do not hold a judicial office without the use of clarifying words such as “elect” or “for”.

The questions posed are paraphrased below:

1. May a candidate who holds a judicial office other than the office for which he/she is a candidate use the title “judge”?

Canon 5A(3)(d)(iii) prohibits a candidate from knowingly misrepresenting their qualifications or present position. The Special Committee is of the opinion that a candidate who holds another judicial office may use the title “judge” in campaign materials subject to certain limitations. The campaign material must clearly identify the circumstances justifying use of the title, including identifying the judgeship currently held. The use of the title cannot be misleading, cannot misrepresent the candidate’s present position, and must make it clear to the voting public that the candidate is not a judge of the court for which the candidate is currently seeking election.

2. May a candidate use his/her name together with the title of the office the candidate is currently seeking?

The Special Committee has received inquiries and copies of material with phrases or logos such as “John Doe, Circuit Judge” or “Jane Doe, Chancery Judge” when the candidate does not hold judicial office. This again raises the issue of misrepresentation of qualifications or present position as cited in Canon 5A(3)(d)(iii) above. The Special Committee is of the opinion that such material may be misleading and may imply that the candidate currently holds the judicial office. It is, therefore, the Committee’s opinion that a non-judge candidate may not use these phrases without including language such as “elect” before the candidate’s name and position sought or “for” between the candidate’s name and the position sought. The terms “elect” or “for” should be in an easily readable size and form such that they may not be easily overlooked.