

**JUDICIAL ETHICS ADVISORY COMMITTEE
OF THE
STATE OF DELAWARE**

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The Hon. James T. Vaughn, Jr.
The Hon. Sheila G. Blakely
The Hon. Robert B. Coonin
The Hon. Donald F. Parsons, Jr.

October 4, 2005

2005-2

State of Delaware

Georgetown, Delaware 19947

Re: Request for Judicial Ethics Advisory Committee Opinion

Dear Judge _____ :

By letter dated September 1, 2005, you have asked for an opinion of the Judicial Ethics Advisory Committee (“JEAC”) regarding the propriety of a proposed Policy Directive for the _____ Court that addresses the assignment of cases and other responsibilities to your father, the Hon. _____, also a judge on the _____ Court. Your request for an opinion specifically addresses the issue of whether your familial relationship with your father, and your

professional relationship with him as administrative supervisor of all , may create the appearance of a conflict of interest and, if so, what appropriate steps can be taken to remedy the appearance of conflict. For the reasons that follow, the JEAC has concluded that the proposed Policy Directive adequately addresses any conflict of interest or perceived conflict of interest that may exist arising from your assignment of judicial or other professional responsibilities to your father.

A. The Implicated Provisions of the Code of Judicial Conduct

The Delaware Judges' Code of Judicial Conduct ("the Code"), at Canon 2A, requires a judge to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2B goes on to state that the "judge should not allow family ... relationships to influence judicial conduct or judgment." Although other broader provisions of the Code may be implicated in this situation,¹ Canon 2 most directly applies and, to the extent the Policy Directive passes muster under Canon 2, it will pass muster under the broader provisions as well.

¹See e.g. Canon 1A ("A judge should participate in establishing ... high standards of conduct ... so that the integrity and independence of the judiciary may be preserved."); Canon 3B(1) ("A judge should diligently discharge the judge's administrative responsibilities ... and facilitate the performance of the administrative responsibilities of other judges and court

B. The Proposed Policy Directive Complies With Canon 2

The proposed Policy Directive transfers all responsibilities to appoint your father to special assignments and other administrative functions related to your father (including investigations of internal or external complaints involving your father) to the Deputy _____ Sussex County. You have, in essence, removed yourself from any administrative responsibility or function relating to your father and have assigned such duties to the _____ without oversight from you. You have also directed that neither you nor your father will serve on any panel of judges constituted to hear appeals of decisions rendered by the other on

_____ or other matters from which an appeal may be taken.

After carefully considering the proposed Policy Directive, the JEAC has concluded that it more than adequately addresses any actual conflict or appearance of conflict that may arise from your familial and professional relationship with your father. The Policy Directive is consistent with the letter and spirit of the Delaware Judges' Code of Judicial Conduct. You are to be commended for your sensitivity to this issue and for the thoughtful way you have chosen to address it.

If you require further information, please do not hesitate to contact us.

officials.”).

Very truly yours,

Joseph R. Slights, III