



## **Do you know the way to Santa Fe ?**

By: Sandra Chavez  
Chair, JFI Planning  
Meeting Committee

The JFI Planning Committee is working to highlight Santa Fe and its reputation for excellent art, captivating historic sites, intriguing architecture, ancient traditions, rich culture, unique shopping and some of the best dining in the Southwest!

Get ready for your perfect stay in Santa Fe. You'll be amazed by the array of things to do and see in Santa Fe. The art museums feature everything from folk art, glass, sculpture, to paintings by Georgia O'Keeffe. No matter what you are interested in, New Mexico has a museum dedicated to it. There is more to experience in New Mexico than museums. While in Santa Fe attend the opera, witness "Pueblo" dances, shop the celebrated Farmer's Market, or shop in one of the many charming historical buildings filled with handmade or hard to find treasures. Santa Fe is surrounded with dozens of historical sites representing hundreds of years of rich history – from Native American ruins to Spanish Colonial churches and remnants of America's Wild West.

Indeed, noted historian and journalist, Hampton Sides, is looking forward to joining us at the Law and Literature Program and speaking to us about the conquest of the American West. In addition, the JFI business meeting will include a preview of our new web design options and a presentation of California's judicial privacy and protection project.

See you in Santa Fe, New Mexico!



## **MESSAGE FROM THE CHAIR**

**Think of the Judicial Family Institute as a train bringing change to a broad community of judicial families. Seated in the cars of the train are enthusiastic volunteers with the Judicial Family Institute readily bearing and preparing useful information for judges, their spouses and their families.**

**Cues to much of that available information can be found on our new website. As I mentioned in our previous newsletters, our website is a hallmark, reflecting our past and our future. We aim to expand our web presence, update, and enliven the content and design of JFI website. Like any new project we still have a few wrinkles to iron out but our North Star shines as brightly as ever. We're on track.**

**Our goal is to make the JFI website the very first stop on the track connecting judicial families from Maine to Vermont, from Texas to Tennessee, from Ohio to Puerto Rico and the U.S. Virgin Islands. Check out new information from California, Ohio and Puerto Rico. Right now, we are working with our Website Chair on a new design for the website.**

**Each newsletter has a special purpose. Our first two editions looked at JFI goals and objectives as we approach the first decade of the 21st century. Fundamentally, JFI is a collaborative communications project and a network of programs for judicial families throughout the nation. This edition takes a closer look at State Judicial Programs and how they provide information on such issues as stress management, mentoring and security. A special message from Mary Moyer—spouse of Ohio's Chief Justice—bolsters our report on these programs.**

**Our state contacts are the key to keeping our members up to date. Among their duties are serving as contacts between JFI and judicial family programs and coordinating diverse activities for judicial families. An inclusive chart on who they are and the state, territory or commonwealth they represent is included in this issue.**

**Our newsletter Online with the Judicial Family Institute is a decisive step forward in keeping open our lines of communication with the judicial families. Please don't hesitate to join us in this essential endeavor. The Judicial Family Institute needs you now more than ever before to advance the goals of our organization.**

**I look forward to greeting JFI members, CCJ/COSCA spouses, advisors, and guests at our next annual meeting in Santa Fe.**



  
Isabel Picó-Vidal, Esq.  
JFI Chair

# JFI MidYear Meeting

## A spellbinding thriller

By Christine Alexander  
Chair, Law and Literature



The Judicial Family Institute welcomed our February 2009 Law and Literature speaker Gordon Campbell, a practicing lawyer, who authored **Missing Witness**, a fictional legal thriller.

The book is set in 1973 Scottsdale, Arizona. A beautiful woman with a gun enters a house with her twelve-year-old daughter. When they leave, the man inside is dead. Who shot him?

Who shot him?

The media, police, and the attorney general's

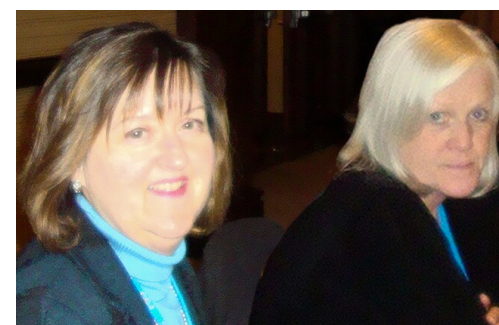
office have already declared the woman guilty. But the best trial lawyer in Scottsdale is hired to prove her innocence. The lawyer and his young associate want to win the case at any cost.

There are shocking twists, unforgettable characters, and mysteries as the question of guilt versus innocence takes on a profound and disturbing new meaning.

Mr. Campbell spoke to us about the process of writing this book. The setting for the book took place in an area where he grew up. His character development was intricate and very carefully crafted. He openly admits the junior lawyer in the book is loosely based on himself, whereas the more experienced lawyer is modeled on a lawyer with whom he practiced.

The book was written over a number of years, put to rest, then resurrected and finally finished.

The Judicial Family Institute and the Conference of Chief Justices were fortunate to gain insight into the various stages of writing a legal thriller as well as listening to an absorbing presentation.



## Judicial Privacy and the Internet

By Isabel Picó-Vidal, Esq., JFI Chair

Public life in the Information Age is not always a smooth ride, especially if the information highway leads directly into the privacy of your home.

Hundreds of Web sites sell data about people, gleaned from a variety of sources, including directory listings, mailing lists, marketing promotions and public records. Information brokers thrive on providing personal and professional data to others, information you may want to keep private.

The security risk to most people may be small, but judicial officers should be concerned about having their home addresses and phone numbers in the public arena, according to the Judicial Council of California.

Concern about judicial security prompted the Council's Administrative Office to develop a Judicial Privacy Protection Opt-Out Program. Claudia Fernandes, a senior education specialist with the Judicial Council of California discussed the privacy protection program and security DVDs developed by California's Court Security Education Committee at the JFI Business Meeting in January. She also provided attendees with security materials.

Ms. Fernandes is the president-elect of the National Association of State Judicial Educators (NASJE). She will expand on her earlier presentation on security at the meeting in Santa Fe.

The program, prepared by the

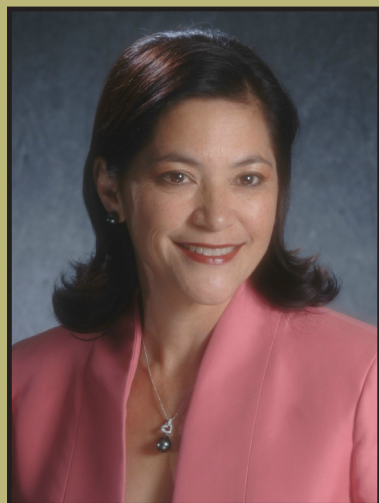
Council's Office of Emergency Response and Security (OERS), aims to help justices, judges, commissioners and other court personnel remove their home addresses and phones from information broker websites.

California law allows elected officials, such as judges, to demand that their home addresses and phones be removed from web sites that sell information.

The overview DVD on judicial protection and privacy provides judicial officers with essential and practical information about threat assessment, protecting and managing public access to information that may inadvertently expose them or their families to personal and professional risks.

The state's general public can also take advantage of this law.

## New Voting Member



Mary C. Torres is a native to Guam and married to Chief Justice Robert J. Torres. They have three children and four grand children.

She has a Bachelor of Arts degree from Tufts University in Massachusetts.

She presently serves as Deputy Executive Manager of the Guam International Airport Authority and has extensive experience in office management and administration.

She is an active member of several community and civic organizations and an advocate for preserving Guam unique cultural attributes

Welcome aboard JFI, Mary

### Court Security: Judicial Privacy Protection and Threat Assessment



## Share your stories with JFI Online

JFI Online welcomes news and photographs of judicial family activities from our members. Sharing experiences through our website is a major goal of the Judicial Family Institute. Send your stories to [onlinewithjfi@gmail.com](mailto:onlinewithjfi@gmail.com).

# A Few Words From Mary Moyer on State Judicial Programs

In 1998, during my husband's campaign for re-election to the Supreme Court of Ohio, I had the opportunity to talk with husbands and wives of judges throughout the State of Ohio. Most were enjoying the many positive experiences related to their role as the spouse of a judge but some spoke of negative aspects associated with this position. The rigors of campaigning, security concerns at home and at the court house, feelings of isolation, ethical questions, and raising children in the public arena were some of the issues that were mentioned.

The spouses agreed that it would be helpful if the Supreme Court would offer a program of support for the judicial families in our state. In May of 2000, with the support of my husband, Chief Justice Thomas Moyer, a twelve member steering committee of spouses of experienced judges was selected to develop a program for the spouses and partners of judges new to the judicial system. The committee was diverse as to age, gender, race and political affiliation. Representatives from both rural and urban areas were included as well as spouses of judges from all jurisdictions.

This dedicated committee designed a program called the Ohio Judicial Family Network (OJFN) which exists to identify the needs and concerns of judicial families in Ohio and to offer a supportive network and educational opportunities to the spouses/partners of judges and their families. Three educational programs are offered each

year. Two daytime programs are planned for spouses of judges new to the judiciary and are held at the time of the new judge orientation programs. A reception is planned for judges and spouses the night before each OJFN daytime session. Annually, the Judicial Family Network offers a program for spouses and partners of new and experienced judges at the time of the state judicial conference.

In Ohio, we are fortunate to have a dedicated court staff person, Ruth Ann Newcomer, who helps develop and implement our programs. Having the same staff person from year to year provides our organization with continuity and a sense of familiarity that is invaluable to the continued development and success of our program.

By providing the spouses with three formal educational programs, a mentoring program and a list of available resources, the OJFN sends the message that the judiciary cares about the families of judges and is available to them whatever their needs. It has been rewarding to know of the many friendships that have developed from this association of spouses of new and experienced judges.

The professional life of a judge, for the most part, is very serious and stress-producing. Spouses report that job-related tension is often brought from the courthouse into the judge's family life. For this reason, we include humor in our programming through speakers, skits and shared judicial family anecdotes. The

Steering Committee believes that humor in programming helps relieve some of the stress that our meeting attendees feel related to their role as the partner of a judge.

On this Judicial Family Institute website you will find a list of other states with programs for judicial families, each having a style of programming that fits their particular needs. This website provides the opportunity for us to learn from one another as we continue to develop and strive to improve our programming.

I wish you the very best as you begin planning a program of support for the judicial families in your state. It can be a most rewarding experience for all who are involved. Please contact Ruthie Newcomer or me with any questions you might have as you begin organizing your program. We will be glad to assist you in any way we are able.

Sincerely, Mary Moyer



Published in The Judges' Journal, Fall 2006, by the American Bar Association.

## Out Wit! Out Last! Out Play! Surviving in a Judicial Family!

By Ruth Ann Newcomer



"I was expected to be born with feathers. My mom was pregnant with me on my Dad's first campaign, and in our county campaigning means eating chicken. . . . My first baby picture is

a judicial family. Having grown up as children of a judge, the girls shared a range of perspectives from various ages. As the Hany's discussed living their private lives in the public eye of their community, they increased others' awareness of the issues which present themselves and shared thoughtful ideas about handling the recognition that comes to members

Past program agendas have included the topics of security away from the courthouse and managing judicial family stress, a tour of the Ohio Judicial Center, a judicial family panel discussion facilitated by Jan Aikman Dickson, and coffee and conversation hours.

"Being part of a judicial family, going through campaigns, reading newspaper articles about my father's judicial decisions, and living a public life has bonded us as a family. It has also given me a sense of process, a subtle understanding of how our political system works, and a deep respect for those who choose to make it a career."

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of judicial families.

Since 2003, in addition to the stand-alone Judicial Family Network educational programs, JFN has been fortunate to be invited to provide programming about judicial family life to judicial families during Ohio's statewide judicial conference.

With this annual event sponsored by the Ohio Judicial Conference, JFN has had an increased opportunity to provide education in a cost-effective manner.

Ruth Ann Newcomer is Court Relations Program Manager for the Supreme Court of Ohio and member of JFI State Programs Committee. For further information about Judicial Family Programs in your state or planning your state program, please contact her at [RuthAnn.Newcomer@sc.ohio.gov](mailto:RuthAnn.Newcomer@sc.ohio.gov).

on a campaign brochure!"  
The Supreme Court of Ohio Advisory Committee on the Judicial Family Network (JFN; formerly the steering committee for the Ohio Judicial Family Network) presented a session about judicial family life during the September 2008 Ohio Judicial Conference annual meeting. Susan Hany, her husband, Judge Fritz Hany, and their daughters facilitated an interactive conversation with judges and their spouses and partners about the advantages and challenges of living in

# ETHICAL ISSUES RELATED TO JUDICIAL FAMILY LIFE IN OHIO

By: Richard A. Dove, Esq.  
Assistant Administrative Director,  
Supreme Court of Ohio

In March 2009, Ohio became the fifth state to approve comprehensive revisions to its Code of Judicial Conduct following the American Bar Association's adoption of an updated Model Code of Judicial Conduct in 2007. In announcing the adoption of the new Ohio Code, Chief Justice Thomas J. Moyer observed the new Code "ensures that Ohio continues to maintain the highest, contemporary standards governing the conduct of Ohio judges."

The Code of Judicial Conduct applies exclusively to judges and other persons authorized to perform judicial functions. However, there are provisions of the Code that implicate the conduct of a judge's family members. This article focuses on four provisions of the new Ohio Code that address subjects of continuing interest to Ohio judicial families.

## Political Activity

Canon 4 of the Ohio Code regulates the political and campaign activity of judges and candidates for judicial office. Among the provisions contained in Canon 4 are rules that prohibit a judge or judicial candidate from: (1) acting as a leader of or holding an office in a political party [Rule 4.1(A)(1)]; (2) speaking on behalf of a political party or another candidate for public office [Rule 4.1(A)(2)]; or (3) publicly endorsing or opposing another candidate for public office [Rule 4.1(A)(3)].

Comment [5]<sup>[1]</sup> to Rule 4.1 notes the absence of any "family exception" to the last of the prohibitions noted above and advises that a judge or person running for judicial office

must avoid public involvement in a family member's political activity or campaign for public office. Rule 4.1 and the accompanying comment are supported by Ohio Advisory Opinion 2001-1 that establishes parameters for a judge's involvement in the campaign of a spouse who is seeking election or reelection to another public office. Generally, the advisory opinion concludes that it is permissible for a judge's name and photograph to be used in a spouse's campaign materials, as long as the judge's title is not used and the judge is not depicted in his or her official capacity. However, the judge is barred from making any public statements or engaging in other expressions of support, such as wearing a campaign button, on behalf of the spouse-candidate.

*The ABA Model Code of Judicial Conduct and information regarding its adoption may be found at <http://www.abanet.org/cpr/jclr/mcjc.shtml>. The Ohio Code of Judicial Conduct may be viewed at <http://www.supremecourt.ohio.gov/LegalResources/Rules/conduct/judcond0309.pdf>*

## Charitable, Civic, and Fundraising Activities

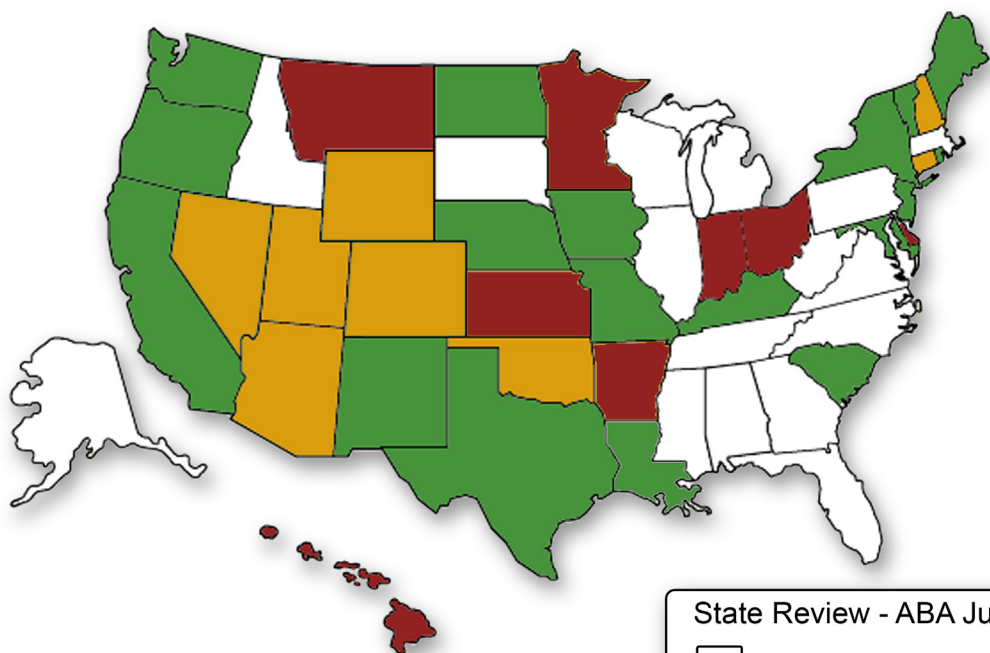
Rule 3.7 of the Ohio Code allows a judge to participate in wide range of activities sponsored by educational, religious, charitable, and civic organizations, but prohibits participation in most forms of fundraising on behalf of these organizations. Comment [3] to Rule 3.7 references the purposes of





the prohibition on fundraising activities, namely avoiding coercion and any abuse of the prestige of office. Like other limitations contained in the Code, the charitable fundraising prohibition does not extend to judicial family members. However, a judge should be aware of the organizations with which a spouse or other close family member is affiliated to ensure the judge complies with specific requirements of the Code.

Rule 2.11 requires a judge to disqualify himself or herself from a pending case whenever a judge's impartiality might reasonably be questioned, including situations in which a spouse or family member is an officer, director, or trustee of a party. See Rule 2.11(A)(2)(a). Thus, a judge could not participate in a case involving a nonprofit organization on whose board of trustees the judge's spouse serves.

Similarly, a judge must take care to avoid direct or indirect participation in charitable fundraising activities undertaken by his or her spouse. This means that the judge should not be listed as a co-host of a fundraising event to be held at the marital residence and should not be present at such event.

Consistent with the aforementioned purposes that underlie the prohibition on judicial involvement in charitable fundraising activities, a judge's spouse should be careful in soliciting contributions from individuals and organizations, with particular sensitivity toward solicitations that are targeted primarily or exclusively at lawyers who regularly appear before the judge or representatives



	No Committee
	Committee reviewing code
	Committee has issued report
	Supreme Court approved revised code

Since the ABA adoption of a *Model Code of Judicial Conduct* in 2007, eight states have followed suit and adopted new codes. They are Delaware, Montana, Minnesota, Hawaii, Indiana, Kansas, Arkansas and **Ohio** which adopted its code last March. For additional information on state reviews of judicial codes of the 2009 *JFI Ethics Committee Report* go to *Members Only* area at <http://www.jfincsonline.org>.

# What JFI State Contacts Do

- Coordinate judicial family activities in their state, territory or commonwealths.
- Update information quarterly on state programs and submit to JFI website periodically for posting at our web.
- Provide a short and concise description of judicial family state program activities.
- Identify and submit articles, documents, or other educational material to be posted at the JFI website.
- Serve as contact between JFI and the state judicial family programs.

AL- Karen Trussell  
AK - Stephanie J. Cole  
AZ -Theresa Barrett  
AR -Pat A. Hannah  
CA -Bob Lowney  
CO -Mindy Masias  
CT-Mary B. O'Connor  
DE- Franny Haney  
DC Cheryl Baily  
FL- Elisabeth H. Goodner  
GA- Rich Reaves  
Guam- Mary C. Torres  
HI- Marsha Kitagawa  
ID- Patricia Tobias  
IL- Monica Pruitt  
IN- Anne Jordan  
IA- Jerry Beatty  
KN- Hon. Lee A. Johnson  
KY- Dr. Deborah Williamson  
LA- Tim Palmatier  
ME- Tracie Lammers  
MD- Frederick C. Williams  
MA- Joan Kenney  
MI- Dawn F. McCarty  
MN- Judge James E. Dehn  
MS- Kevin Lackey  
MO- Beth Riggert  
MT- Karen Sedlock  
NE- Carole McMahon-Boies  
NV- Michael Bell  
NH- Barbara Sweet  
NJ- Richard Saks  
NM- Debra Seeley, Esq.  
NY - Lauren DeSole  
NC- David F. Hoke  
NC- Beryle Talton  
ND- Hon. Gerald W. VandeWalle  
OH- Ruth Ann Newcomer  
OK- Cheryl Camp  
OR- Mollie Croisan  
PA- Stephen M. Feiler, Ph.D.  
PR- Anabel Solá Márquez  
RI- Joseph Baxter  
SC- Rosalyn Frierson  
SD- Gloria Guericke  
TN- Sarah Appleby  
TX- Carl Reynolds  
UT- Mary Aguirre-Shahin  
VT- Patricia Gabel  
VA- Karl R. Hade  
WA- Christine Alexander c/o Wendy Ferrell  
WV- Kathleen Gross  
WI- Linda Albert, LCSW, CSAC  
WI- David Hass  
WY- Ronda Munger

of organizations that are regularly involved in litigation. A good practice is for the spouse to have the judge review in advance a list of persons who will be solicited for contributions.

## Gifts, Loans, and Other Things of Value

To ensure the Ohio Code of Judicial Conduct remains consistent with the standards applicable to other public officials, the Ohio version of Rule 3.13 differs substantially from the corresponding Model Code provision. The Ohio version of Rule 3.13 prohibits a judge from accepting any gift, loan, benefit, or other thing of value with the exception of twelve listed items, the receipt of which would neither create an appearance of impropriety nor cause a reasonable person to believe the judge's independence, integrity, or impartiality has been compromised. The rule requires a judge to urge his or her spouse, domestic partner, and other members of his or her family residing in the judge's household to not accept gifts, loans, or other things of value, unless the receipt is specifically permitted by the Code.

The axiom "if it sounds too good to be true, it probably is" applies to the prohibition on the receipt of gifts and other things of value. If a family member suddenly receives a special discount from a local car dealer or a discounted interest rate from a local bank, it may be that the car dealer or bank has a matter pending before the judge or simply wishes to curry favor in anticipation of future litigation. Similarly, the ban on the receipt of things of value may require reconsideration of long-standing social arrangements, such as an annual vacation at a resort condominium owned by a long-time friend. This may particularly be necessary if the friend is a lawyer or business owner who regularly has cases before the judge.

## Comments on Pending Cases

Rule 2.10 continues a long-



The National Center for State Courts (NCSC) provided JFI with this updated list of State Contacts. The effort was coordinated by Jesse Rutledge, left, vice president of NCSC. JFI also thanks NCSC president Mary McQueen, center, and Brenda Williams, right, for their continuous support.

standing rule that prohibits a judge from making statements that might affect the outcome or impair the fairness of a matter, substantially interfere with a fair trial or hearing, or constitute a pledge, promise or commitment. Although not directly applicable to judicial family members, these standards represent good guidelines for spouses and other family members to follow in their conversations with others.

Family members are often asked in casual or social settings about a pending or recently decided case. A family member may have an opinion about the matter, but that family member's personal opinion may quickly be attributed to the judge and circulated throughout the community, especially if the case is high profile. The rules that prohibit public comments on pending cases provide a basis for avoiding comment and help promote the principles of impartiality and fairness applicable to the judge.

## Conclusion

Although the activities of judicial family members are not directly regulated by the Code of Judicial Conduct, the conduct of a spouse or family member can create perceptions regarding a judge's compliance with the Code. Many of these questions can be avoided by ensuring that the judge is aware of the activities of a spouse or other close family members and taking other affirmative steps to promote compliance with the requirements of the Code.

[1]. The ABA Model Code of Judicial Conduct consists of black-letter rules that represent binding and enforceable standards of conduct and comments that provide guidance regarding application of the rules and establish aspirational goals for judges. Most states, including Ohio, adopt the comments as part of their codes to promote greater understanding of and compliance with the mandatory rules.

The views expressed in this article are those of the author and do not necessary reflect the views of the Supreme Court of Ohio or the Advisory Committee on the Ohio Judicial Family Network.

## Coming Up.

- *An Overview of JFI State Programs*
- *Interviews with George Durham, MD. on health issues and with Mirelsa Modestti, PhD. on Judicial Assistance Programs*