

NEBRASKA JUDICIAL ETHICS ADVISORY COMMITTEE

Advisory Opinion No. 91-1

A. Question

May a judge respond to a request from Martindale-Hubbell asking for a rating and recommendation of an attorney.

B. Answer

It is the opinion of the committee that a judge may express a professional evaluation or opinion of a practicing attorney for use by Martindale-Hubbell, Inc., or a similar legal rating periodical.

The evaluation should remain confidential. It should in no way be used to create the public impression that a judge endorses a particular lawyer.

C. Code of Judicial Conduct Provisions

Canon 2 (B) provides . . . A judge should not lend the prestige of his or her office to advance the private interests of others, nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. . .

D. Discussion

The question has been dealt with by Judicial Ethics Committees in a number of states. All have reached the conclusion that an evaluation of this nature is not only permissible, but constructive.


Judges have a duty under the Canons to promote and improve the legal system. Evaluations of this nature tend to fulfill that duty. Judges are in an ideal position to express an opinion as to the ability of a particular lawyer.

Since these forms are confidential and are never made public, the danger that private interests might be advanced improperly is not present.

E. Summary

This type evaluation is perfectly permissible under the Code. However, it would be prudent for a judge to assure himself that the legal publication will maintain the confidentiality of the response.

ADOPTED: July 16, 1991


WILLIAM D. BLUE
Chairman