

ADVISORY OPINION NO. 89-7

THE NEBRASKA JUDICIARY ETHICS ADVISORY COMMITTEE

Question: A judge has been requested by a former member of the Nebraska State Bar to fill out a "proof of practice" form for the Illinois State Bar so he may be admitted to practice in that State. The only statement that the judge intends to make on behalf of the attorney is that the judge knows that the attorney was employed for the State of Nebraska tax commissioner and that he represented the State in several cases presided over by the judge. Other than that, the judge would certify that the attorney was a member in good standing of the Nebraska Bar from 1975 through 1987. This is because of the form calls for information regarding Bar membership.

After reading this Committee's opinion number 89-2 the Judge is hesitant to submit the form.

Canons: Canon 2 provides that a judge should avoid impropriety and the appearance of impropriety in all his activities.

Opinion: It is not a violation of any of the canons for a judge to certify to the admissions commission of the Bar of a sister state that an attorney has appeared before the judge and handled a case along with the dates of that happening, especially when the certificate simply states the fact of the appearance and does not add a recommendation or evaluation, neither of which is contemplated here. This is a part of the orderly administration of the system, and a judge is allowed to contribute.

Likewise, if the judge knows, and is certain of, the dates the lawyer was a member in good standing of the local bar it would violate no canon for him to list that, although this information could probably be more appropriately provided by the secretary of the bar itself.

For The Committee

Allen A. Fiebig
Judge

August 10, 1989