

**SUPREME JUDICIAL COURT
ADVISORY COMMITTEE ON ETHICAL OPINIONS
FOR CLERKS OF THE COURTS
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE
BOSTON, MASSACHUSETTS 02108-1750**

617-557-1161

2008-4

July 14, 2008

Dear Clerk :

This is in response to your request for advice from the committee. You are the Clerk for Court. On June 10, 2008 you emailed the secretary of the committee requesting an opinion regarding a letter of reference you were sending to the U.S. Immigration Court in Boston. You appended the letter of reference, and asked whether it should be sent on your office or personal stationery. You further inquired as to whom the letter should be addressed. You requested a response as soon as possible, because you were sending the letter out that day.

On June 10, 2008, the Secretary called you to state that in the opinion of the members consulted, the Code of Professional Responsibility for Clerks of the Courts does not prohibit your writing a personal letter of reference. The members advised that the letter should be written on your personal, rather than business, stationery and that you should not use your Court title. The Code does not address the issue of to whom your letter should be directed.

This letter confirms the advice you were given on an emergency basis. In the opinion of the committee, your writing a personal reference is permitted by the Code. See Opinion 2007-2. As you are aware, Canon 4 requires you to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial branch. To comply with this canon, it is the committee's view that you should avoid the appearance of lending the prestige of your office to advance the personal interest of others. The committee therefore advises you to use your personal stationery and refrain from using your court title. The committee also notes that Canon 3(A)(7) requires that you abstain from public comment about pending or impending proceedings in any court. Finally, the committee states that the question regarding the proper recipient of your letter is not addressed by the Code.