

1 CHARTER OF THE JUDICIAL ETHICS ADVISORY COMMITTEE

2 Section 1. Policy and Purpose.

3 North Dakota judicial system policy is to provide ethics advisory services to
4 members of North Dakota's judiciary and others subject to the Code of Judicial Conduct
5 through a judicial ethics advisory committee that offers timely advice and opinions on
6 compliance with the code.

7 Section 2. Membership.

8 (a) The committee is composed of one district or surrogate judge member and two
9 lawyer members appointed by the chief justice after consultation with the supreme court
10 and two district judge members appointed by the president of the North Dakota judges'
11 association.

12 (b) Each member is entitled to reimbursement for actual expenses incurred in the
13 performance of committee duties.

14 (c) The chief justice appoints the committee chair.

15 Section 3. Duties.

16 (a) The committee will provide ethics advisory services on matters related to the
17 Code of Judicial Conduct to those subject to the code. Services provided under this
18 section are limited to personal requests regarding the requester's prospective conduct.
19 The committee will not issue an opinion on a question of the constitutionality of the code.
20 The committee will not usually issue an opinion on a question known to be pending
21 before a court in a proceeding in which the requester is involved.

22 (b) The committee may provide ethics advisory services in the form of telephone
23 advice, followed by a written letter or formal opinion at the option of the requester. There
24 is no effect on any disciplinary proceeding if a written letter or formal opinion is not
25 requested. The committee may provide advisory letters individualized to the requester or
26 formal opinions that are submitted to the requester and distributed to all judges. The
27 decision to proceed with a written letter or a formal opinion, or both, is made in
28 consultation with the requester. Formal opinions or advisory letters issued by the
29 committee are non-binding.

30 (c) Compliance with a written advisory letter or formal opinion issued by the
31 committee is evidence of good faith for consideration in any sanction decision in a
32 disciplinary proceeding.

33 Section 4. Research Services.

34 The committee, in consultation with the state court administrator, may enter into
35 agreements with other entities for purposes of obtaining legal research, memorandums,
36 and draft opinions for consideration or use by the committee.

37 Section 5. Confidentiality.

38 All proceedings of the committee, the identity of a requester, drafts and other
39 records of the committee, other than formal opinions, are confidential.