

January 27, 2006

Raymond L. Spruell, Jr., Esquire
Mooney Law Firm, P.A.
401 South Main—P.O. Box 1428
Jonesboro, Arkansas 72403-1428

Re: Advisory Opinion No. 2005-08

Dear Mr. Spruell:

In your letter requesting an advisory opinion you stated that you are a publically announced candidate for Circuit Judge in the Second Judicial District. You stated that in 2002 the Governor appointed you District Judge and that you surrendered your private practice of law and served in that capacity for two years. You stated further that you were appointed District Judge for Lepanto, Marked Tree and Tyronza, a part time position, and that you served for several months. According to your letter, you have not served as a judge since December 31, 2004 except for having served as a Special District Judge on two occasions.

You have inquired as to whether your referring to yourself as “Judge” in a campaign logo, on signs or other campaign material would violate the Code of Judicial Conduct.

Canon 5 (3) (d) (iii) provides that a candidate for judicial office shall not “knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent;” Your situation differs significantly from that in our Advisory Opinion No. 2002-03 in that the judge in that case had served for the last past six years. You have not served as a judge since 2004 and it is our opinion that your use of the term “Judge” in your campaign material would misrepresent your present position and would be in violation of the Code.

Very truly yours,

Edwin B. Alderson, Jr.,
For the Committee