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# **JUDICIAL ETHICS JUDGES AND LAWYERS**

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**2015 New York State Magistrates Association Conference  
Niagara Falls, New York**



Maryrita Dobiel, Esq. is Chief Counsel for the Chief Administrative Judge's Advisory Committee on Judicial Ethics. In that capacity, she researches and drafts Advisory Committee Opinions, fields confidential telephone inquiries from judges at every level of the state's judiciary, serves as an instructor in ethics education programs for judges at every level of the state's judiciary, and manages the Advisory Committee's operation. Ms. Dobiel previously had served the Committee as staff counsel for eight years.

Maryrita began her career with the Office of Court Administration in 1990 as one of the first attorneys to serve as a law clerk with the Town and Village Courts Resource Center, serving approximately 1900 Town and Village Justices presiding throughout New York State and their court clerks.

Thereafter, she joined Counsel's Office for the Office of Court Administration and was responsible for negotiating and preparing contracts, prosecuting employee disciplinary proceedings and serving as counsel to the Local Courts Advisory Committee.

From January 2000 until April 2006, under the Chief Administrative Judge for Courts Outside New York City, Maryrita served as Assistant Deputy Counsel for Town and Village Justices and Court Clerks Education and Administration. She was responsible for coordinating and administering statewide basic and continuing judicial education programs for Town and Village Justices and Court Clerks, and for maintaining the Office of Court Administration's records concerning all town and village justices. She also administered the Office of Court Administration's Justice Court Assistance Act Grant Program.

Maryrita also serves as an instructor for the Office of Justice Court Support's education programs for town and village justices and court clerks, and for the Judicial Institute's education programs for state-paid judges. She also has presented Judicial Ethics lectures during Judicial education District programs, judicial association education programs, and programs for Court of Claims, Appellate Division and Court of Appeals law clerks. Also, she has assisted the Office of Court Administration's Statewide Special Counsel for Ethics in presenting ethics training programs for non-judicial employees of the Unified Court System, candidates for election to judicial office, and has presented ethics-related Continuing Legal Education seminars.

Maryrita is one of four authors of one of West's Practice Guides for Village, Town and District Courts in New York.

Maryrita is a cum laude graduate of Western New England University School of Law and a cum laude graduate of the State University of New York at Albany.

Ms. Dobiel is married to Joseph Quinlan. They have one cat, named Charlie, who runs their household and brings much joy to their lives!!!

**JUDICIAL ETHICS:  
JUDGES AND LAWYERS  
Maryrita Dobiel, Esq.**

**NEW YORK STATE  
MAGISTRATES ASSOCIATION  
September 2015**

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**ADVISORY COMMITTEE ON  
JUDICIAL ETHICS**

- **JUDICIARY LAW §212(2)(L)**
- **22 NYCRR PART 101**
- **CONFIDENTIAL**
- **PRESUMPTION**

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**GOVERNING RULES AND  
OPINIONS**

- **RULES GOVERNING JUDICIAL  
CONDUCT (22 NYCRR PART 100)**
- **OPINIONS BY THE ADVISORY  
COMMITTEE ON JUDICIAL ETHICS**
  - <http://www.nycourts.gov/ip/acje>

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**RULES GOVERNING JUDICIAL  
CONDUCT**

- **PREAMBLE: RULES OF REASON**

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**JUDGES AND THE INTERNET**

**MAY A JUDGE PARTICIPATE IN  
ON-LINE SOCIAL AND/OR  
PROFESSIONAL NETWORKS?**

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**JUDGES AND THE INTERNET**

**IS A JUDGE DISQUALIFIED FROM  
PRESIDING WHERE THE JUDGE  
PREVIOUSLY "FACEBOOK FRIENDED"  
CERTAIN INDIVIDUALS WHO NOW  
HAVE SOME INVOLVEMENT IN A  
CASE PENDING BEFORE THE JUDGE?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY JUDGES SOCIALIZE WITH  
ATTORNEYS?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY A JUDGE ATTEND AN  
ORDINARY HOLIDAY-TYPE PARTY  
OR SIMILAR FUNCTION HOSTED  
BY A LAWYER, LAW FIRM OR  
LEGAL AGENCY?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY A JUDGE ACCEPT A  
LAWYER'S OR LAW FIRM'S  
INVITATION TO ATTEND A BAR  
ASSOCIATION FUNCTION AS THE  
LAWYER'S/LAW FIRM'S GUEST?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY A JUDGE ACCEPT A  
LAWYER'S INVITATION TO  
PARTICIPATE IN A  
MEMBER/GUEST GOLF OUTING  
AT THE ATTORNEY'S GOLF CLUB?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY A JUDGE ATTEND AS AN  
HONOREE, A RECEPTION  
HOSTED BY A BAR ASSOCIATION  
AND HELD AT A LAW FIRM'S  
OFFICES?**

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**JUDGES AND LAWYERS  
SOCIALIZING**

**MAY A JUDGE ATTEND A  
LUNCHEON HOSTED BY THE  
COUNTY DISTRICT ATTORNEY AT  
HIS/HER OFFICE IN THE COURT  
HOUSE?**

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**JUDGES AND LAWYERS  
EX PARTE COMMUNICATIONS  
A JUDGE IS PROHIBITED FROM  
ENGAGING IN EX PARTE  
COMMUNICATIONS  
CONCERNING A PENDING OR  
IMPENDING PROCEEDING**

**22 NYCRR 100.3 (B)(6)**

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**JUDGES AND LAWYERS  
EX PARTE COMMUNICATIONS  
EXCEPTIONS:**

- SCHEDULING, ADMINISTRATION
- EXPERT ADVICE ON THE LAW
- CONSULT COURT PERSONNEL
- CONSENT OF THE PARTIES
- AUTHORIZED BY LAW

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**JUDGES AND LAWYERS  
EX PARTE COMMUNICATIONS  
MAY A JUDGE CONSIDER LETTERS  
FROM DEFENDANT'S FRIENDS  
AND RELATIVES CONCERNING A  
PENDING SENTENCE"**

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**JUDGES AND LAWYERS  
EX PARTE COMMUNICATIONS**

**IS A JUDGE WHO RECEIVES A  
LETTER FROM A PARTY  
COMPLAINING ABOUT HIS/HER  
ASSIGNED COUNSEL REQUIRED  
TO DISCLOSE THE LETTER?**

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**JUDGES AND LAWYERS  
EX PARTE COMMUNICATIONS**

**IS A JUDGE REQUIRED TO  
DISCLOSE AN EX PARTE LETTER  
WHEN DOING SO MAY RESULT IN  
DANGEROUS CONSEQUENCES TO  
ANOTHER INNOCENT  
INDIVIDUAL?**

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**JUDGES AND LAWYERS  
DISQUALIFICATION**

**A JUDGE MUST DISQUALIFY  
HIM/HERSELF IN A PROCEEDING  
WHEN THE JUDGE'S  
IMPARTIALITY MIGHT  
REASONABLY BE QUESTIONED.**

**22 NYCRR 100.3(E)**

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**JUDGES AND LAWYERS  
DISQUALIFICATION**

**REMITTAL OF DISQUALIFICATION  
IS POSSIBLE, WITH CERTAIN  
EXCEPTIONS.**

**22 NYCRR 100.3(E)**

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**JUDGES AND LAWYERS  
DISQUALIFICATION**

**MAY A JUDGE PRESIDE WHEN THE  
JUDGE AND A LAWYER  
APPEARING IN THE JUDGE'S  
COURT HAVE A SOCIAL  
RELATIONSHIP?**

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**JUDGES AND LAWYERS  
DISQUALIFICATION**

**MAY A JUDGE PRESIDE WHEN THE  
ATTORNEY APPEARING IN THE  
JUDGE'S COURT IS OR HAS  
REPRESENTED THE JUDGE IN A  
PERSONAL LEGAL MATTER?**

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**JUDGES AND LAWYERS  
LAWYER'S MISCONDUCT**

**A JUDGE WHO RECEIVES  
INFORMATION INDICATING A  
SUBSTANTIAL LIKELIHOOD THAT A  
LAWYER HAS COMMITTED A  
SUBSTANTIAL VIOLATION OF THE  
RULES OF PROFESSIONAL CONDUCT  
MUST TAKE APPROPRIATE ACTION.**

**22 NYCRR 100.3(D)(2)**

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**JUDGES AND LAWYERS  
LAWYER'S MISCONDUCT**

**WHAT IS "APPROPRIATE ACTION?"**

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**WHERE TO GET HELP?**

- **Advisory Committee on Judicial Ethics (Part 100)**
  - 866-79-JUDGE (866-795-8343)
- **Judicial Campaign Ethics Center**
  - [jcec@nycourts.gov](mailto:jcec@nycourts.gov) or
  - 888-600-JCEC (888-600-5232)

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**NEW YORK STATE MAGISTRATES ASSOCIATION  
JUDICIAL ETHICS: JUDGES AND LAWYERS  
SEPTEMBER 2015**

Answer Key

Slide 5 - Opinion 08-176

Slide 6 - Opinion 13-39

Slide 7 - Opinion 92-22

Slide 8 - Opinions 87-15(a); 89-23

Slide 9 - Opinions 87-15(b); 87-15(c)

Slide 10 - Opinion 95-99

Slide 11 - Opinion 13-45

Slide 12 - Opinion 06-11

Slide 15 - Opinion 99-50

Slide 16 - Opinion 07-82

Slide 17 - Opinion 08-23

Slide 20 - Opinion 11-125

Slide 21 - Joint Opinion 08-171/08-174

Slide 23 - Opinions 10-85; 13-61