

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Administrative Judges May Request Judges Disclose Their Grounds for Recusal in a Case or Proceeding, But May Not Require Disclosure

Issue: May an administrative judge establish a policy that requires judges provide the administrative judge with the reason(s) they believe they must recuse from a case or proceeding?

Answer: No. The administrative judge may inquire, but may not require judges to disclose their reasons for recusal.

Facts: The Requester is the administrative judge in a county in which, according to Requester, one or more judges “frequently” recuse themselves “both in advance of trial and on trial dates” without providing reasons for recusal. The result is that the remaining judges are sometimes overburdened and sometimes “have to trade cases for which they have prepared, for cases for which they are unprepared.” In order to address this issue, the Requester has implemented a change to the court’s recusal process; namely, “to ask each judge to briefly describe the nature of their conflict, if any, when responding to an advance conflict inquiry.”

Requester seeks guidance from the Ethics Committee as to whether Requester’s “request for disclosure of the nature of a purported conflict . . . is reasonable and proper under Rule 18-102.12(b)” as a measure to ensure judges discharge their judicial responsibilities. Requester also asks whether a judge’s refusal to disclose violates Rule 18-102.5(c).

Applicable Rules: The Maryland Code of Judicial Conduct (the “Code”), Title 18, Chapter 100 of the Maryland Rules, establishes the standards for the ethical conduct of judges. The following rules are implicated here.

Rule 18-101.2 contains overarching principles that apply to all of the rules governing judicial conduct:

- (a) **Promoting Public Confidence.** — A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- (b) **Avoiding Perception of Impropriety.** — A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.
- (c) **Avoiding Perception of Bias.** A judge shall avoid conduct that would create in reasonable minds a perception that the judge is acting with bias based on race, sex, gender, religion, national origin, ethnicity, disability,

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 2 of 10

age, sexual orientation, marital status, socioeconomic status, or political affiliation.

Comment [5] to Rule 18-101.2 explains that “[t]he test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge’s ability to carry out judicial responsibilities with competence, impartiality, and integrity is impaired.”

Rule 18-102.2 further mandates that judges perform their duties “impartially and fairly[,]” and “make reasonable efforts” to “facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.”

Rule 18-102.4 addresses external influences on judicial conduct and instructs that a “judge shall not be swayed by public clamor or fear of criticism” or permit “family, social, political, financial, or other interests” to influence the judge’s official actions. The Rule cautions judges not to “convey the impression that any person is in a position to influence the judge.”

Rule 18-102.5 requires that judges perform their duties competently and diligently:

- (a) A judge shall perform judicial and administrative duties competently, diligently, promptly, and without favoritism or nepotism.
- (b) A judge shall cooperate with other judges and court officials in the administration of court business.
- (c) A judge shall not wilfully fail to comply with administrative rules or reasonable directives of a judge with supervisory authority.

Rule 18-102.7 provides that “[a] judge shall hear and decide matters assigned to the judge unless recusal is appropriate.”

Rule 18-102.11 addresses the grounds and procedures for disqualification and states in relevant part:

- (a) A judge shall recuse in any proceeding in which the judge’s impartiality might reasonably be questioned, including the following circumstances:
 - (1) The judge has a personal bias or prejudice concerning a party or a party’s attorney, or personal knowledge of facts that are in dispute in the proceeding.
 - (2) The judge knows that the judge, the judge’s spouse or domestic partner, an individual within the third degree of relationship to either of them, or the spouse or domestic partner of such an individual:
 - (A) is a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
 - (B) is acting as an attorney in the proceeding;

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 3 of 10

(C) is an individual who has more than a de minimis interest that could be substantially affected by the proceeding; or

(D) is likely to be a material witness in the proceeding.

(3) The judge knows that the judge, individually or as a fiduciary, or any of the following individuals has a significant financial interest in the subject matter in controversy or in a party to the proceeding:

(A) the judge's spouse or domestic partner;

(B) an individual within the third degree of relationship to the judge; or

(C) any other member of the judge's family residing in the judge's household.

The Rule further requires recusal when the judge, "while a judge or a judicial candidate, has made a public statement, other than in a court proceeding," that "appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy." Rule 18-102.11(a)(4). Recusal is also required in any matter in which the judge: previously presided as a judge in another court; served as the attorney or was associated with an attorney who participated substantially; or, while employed by a government entity, participated personally and substantially in, or expressed an opinion on the merits of, the matter in controversy. Rule 18-102.11(a)(5). Finally, the disqualification rule specifies the circumstances in which a judge may accept a waiver by parties, after ensuring that the parties considered the question of waiver independently of the judge:

(c) A judge subject to disqualification under this Rule, other than for bias or prejudice under subsection (a)(1) of this Rule, may disclose on the record the basis of the judge's disqualification and may ask the parties and their attorneys to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and attorneys agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

Rule 18-102.11(c). Comment [1] to Rule 18-102.11 clarifies that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of subsections (a)(1) through (5) apply." Notwithstanding the foregoing precepts, Comment [3] addresses when the rule of necessity requires non-recusal:

By decisional law, the rule of necessity may override the rule of recusal. For example, a judge might be required to participate in judicial review of a judicial salary statute or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 4 of 10

a temporary restraining order. When the rule of necessity does override the rule of recusal, the judge must disclose on the record the basis for possible disqualification and, if practicable, use reasonable efforts to transfer the matter to another judge.

Rule 18-102.12 describes the obligations of judges with supervisory duties and states:

(a) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

(b) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

Analysis:

Summary

Whether administrative judges (including administrative judges of the trial, orphans', and appellate courts) can require the judges over which they have supervisory authority to disclose their grounds for recusal, as a "reasonable measure[]" to ensure that those judges properly discharge their judicial responsibilities" under Rule 18-102.12(b), is an issue that has not been addressed in Maryland decisional law or by this Ethics Committee. As further detailed in our analysis below, we conclude that it is reasonable, from a court management perspective, for an administrative judge to request judges provide the reason(s) they have a conflict that they believe disqualifies them from a case that is assigned to them. Administrative judges have a duty to require the judges they supervise to "act in a manner consistent with the judge's obligations" and take "reasonable measures" to ensure they "properly discharge their judicial responsibilities, including the prompt disposition of matters before them." Rule 18-102.12(a), (b). However, because the subjective reasons that inform judges' determinations that they cannot be impartial may be very personal and/or confidential, an administrative judge cannot *require* judges to provide the reason(s) for their decisions to recuse. Accordingly, in response to Requester's subsidiary question, because an administrative judge cannot require mandatory disclosure, a judge's refusal to follow the policy cannot violate Rule 18-102.5(c).

Recusal Considerations are both Subjective and Objective

Unlike most States, Maryland's requirement of mandatory recusal for having an interest in the case, a relationship to the parties, or having previously served as counsel in the matter is found in Maryland's Constitution. Article IV of the Maryland Constitution states that:

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 5 of 10

No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as now are, or may hereafter be prescribed by Law, or where he shall have been of counsel in the case.

Md. Const., art. IV, § 7. Over the course of the last century, the grounds for recusal have expanded to include, among other things, the appearance of impropriety, which is expressed in today’s disqualification rule as, “any proceeding in which the judge’s impartiality might reasonably be questioned[.]” Rule 18-102.11(a).¹ The Supreme Court of Maryland has explained that recusal in appropriate circumstances serves the goal “of the judicial process not only being fair, but appearing to be fair.” *Jefferson-El v. State*, 330 Md. 99, 107 (1993) (applying former canons of judicial conduct). In other words, “Maryland law guarantees litigants the right to a judge who is, and has the appearance of being, unbiased and impartial.” *Harford Mem’l Hosp., Inc. v. Jones*, 264 Md. App. 520, 541, *cert. denied*, 490 Md. 640 (2025).

Concomitantly, judges have a “duty to preside when qualified [that] is as strong as their duty to refrain from presiding when not qualified.” *Jefferson-El*, 330 Md. at 107; *see also* Rule 18-102.7. The purpose of the recusal requirements is to ensure that litigants are provided a fair forum, but a judge’s recusal does not always guarantee a fair forum. *See Comer v. Murphy Oil USA*, 607 F.3d 1049 (5th Cir. 1985) (en banc) (judges’ recusal resulted in *en banc* panel’s loss of its quorum and dismissal of appellant’s appeal). Patently, recusals that leave no forum fail to provide a fair forum. In Maryland, the long-established rule of necessity recognizes that both the constitutional and statutory provisions governing recusal must yield where recusal “would destroy the only tribunal in which relief . . . may be sought.” *Gordy v. Dennis*, 176 Md. 106, 109 (1939).

In deciding whether to recuse from a case or proceeding, the assigned judge must consider several issues with both subjective and objective components. First, the judge must identify whether the judge previously served as counsel in the matter, has an interest in the case, or whether the judge has a family or prior business relationship with one of the parties such that recusal is mandatory under Article IV of the Maryland Constitution. Common law also requires recusal under principles of due process when the judge “has an interest in the outcome.” *In re Murchison*, 349 U.S. 133, 136 (1955); *see Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 129 S. Ct. 2252, 2259-60, 2263 (2009) (explaining that whether “the probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable,” involves determining whether the judge has an interest in the

¹ The federal corollary to Maryland Rule 18.102.11 is 28 U.S.C. § 455.

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 6 of 10

outcome, and the inquiry is an objective one—not whether the judge is actually biased, but whether an unconstitutional potential for perceived bias exists.).

Second, the judge must undertake a subjective analysis, examining whether the judge will be able to remain impartial under the circumstances, and if the judge is not confident in the judge’s own subjective impartiality, then recusal is required. *Id.* at 2265; Ethics Opinion 2021-11, p. 2 (June 7, 2021). Indeed, Rule 18-102.11(a)(1) mandates recusal when a judge has identified “a personal bias or prejudice concerning a party or a party’s attorney,” regardless of whether the parties decide to waive any grounds for disqualification. *See* Rule 18-102.11(c).²

Once the judge is confident in the judge’s ability to remain impartial, the judge must undertake an objective evaluation of the situation to determine whether participation will “create in reasonable minds a perception of impropriety.” Rule 18-101.2(b). A judge is required to recuse from a case or proceeding when “a reasonable person with knowledge and understanding of all the relevant facts would question the judge’s impartiality.” *Matter of Russell*, 464 Md. 390, 402 (2019) (citing *Jefferson-El*, 330 Md. at 106-07) (considering recusal of a member of the Maryland Commission on Judicial Disabilities). As explained in *Boyd v. State*, “judges determine appearance of impropriety—not by considering what a straw poll of the only partly informed man-in-the-street would show—but by examining the record facts and the law, and then deciding whether a reasonable person knowing and understanding all the relevant facts would recuse the judge.” 321 Md. 69, 86 (1990) (quoting *In re Drexel Burnham Lambert Inc.*, 861 F.2d 1307, 1313 (2d Cir. 1988)). The Supreme Court of Maryland has instructed that a judge may be subject to discipline under the Code of Judicial Conduct by failing to disqualify, or at a minimum, failing to make a

² Requester’s questions do not involve circumstances in which a motion for recusal is under consideration. A judge’s decision on a motion to recuse for bias, prejudice, or impartiality is reviewed for abuse of discretion, unless the basis asserted for the bias, prejudice, or impartiality is grounds for mandatory recusal. *See Surratt v. Prince George’s County*, 320 Md. 439, 465 (1990). In the past, appellate review was quite narrow. *See Ex Parte Bowles*, 164 Md. 318, 326 (1933) (“Where the alleged disqualification does not amount to a constitutional or legal disqualification, the question is left to the enlightened conscience, delicacy of feeling, and sense of fairness possessed by the individual judge.”). Today, courts apply an objective standard of review, drawing on the reasonable person standard first articulated in Maryland in *In re Turney*, 311 Md. 246, 253 (1987). Importantly, “where an allegation of actual bias or prejudice is made, the burden is upon the [party seeking disqualification] to make that showing from the record.” *Boyd v. State*, 321 Md. 69, 80-81 (1990).

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 7 of 10

disclosure under 18-102.11(c), in a proceeding in which the judge's impartiality might reasonably be questioned. *Matter of Ademiluyi*, 488 Md. 45, 130 (2024) ("where [a judge] previously made statements in campaign materials constituting a promise or commitment to assist victims or survivors of sexual assault offenses, [the judge's] impartiality might reasonably have been questioned as the presiding judge in a case involving rape charges.").

When a judge has no knowledge of a defendant from any source other than the pending action and a prior judicial proceeding in which the judge ruled against the defendant, the Code does not automatically require recusal because information derived entirely from judicial proceedings is not considered "personal." *Jefferson-El*, 330 Md. at 107. The law recognizes a distinction between bias and "a judicial determination derived from evidence and lengthy proceedings before the court[.]" *Doering v. Fader* 316 Md. 351, 355-56 (1989) (internal quotations omitted). Thus, in most cases in which a judge's potential bias is derived from a "judicial" source, the appropriate question is "whether the trial judge is confident that he could, if persuaded by additional evidence or argument, come to a conclusion different from that which he has reached upon consideration of the proceedings to date." *Id.* at 358. In some cases, however, the objective appearance of impropriety may require disqualification. *See Jefferson-El*, 330 Md. at 112 (holding petitioner's motion to recuse the assigned judge from presiding over his violation of probation hearing should have been granted); *see also* Committee Note to Rule 16-207(f) (cautioning that judges conducting violation of probation proceedings "should be sensitive to any exposure to ex parte communications or inadmissible information" the judge may have received while the defendant was a participant in a problem-solving court program).

This Committee has cautioned that often judges believe they can remain impartial in matters in which one party is represented by an attorney with whom they have a close relationship, but others may reasonably see that relationship as creating a bias in favor of that party. *See* Ethics Opinion 2005-21 (March 17, 2006) ("Recusal Required when Counsel is Judge's 'Alter Ego'"). Accordingly, we have explained that "the concepts of disclosure and recusal are inextricably linked." Ethics Opinion 2017-21 at 2 (September 18, 2017) ("A Judge's Disclosure Obligations Regarding Former Law Clerks"); *see also* Ethics Opinion 2021-29 (Judge's Recusal Obligations Related to Former Role in the State's Attorney's Office as Chief of the Circuit Court Division."). For example, in addressing whether a judge is required to disclose the fact that a lawyer appearing before the judge is the judge's former law clerk, we advised that, "[a]bsent a personal bias in favor of, or against, a former law clerk, there is nothing in the mandatory recusal provisions of Rule 18-102.11(a)" that require the judge to recuse. Ethics Opinion 2017-21 at 6. However, citing Comment 4 to Rule 18-102.11, which we consider to be "aspirational," we observed that the judge may decide to disclose the former law clerk relationship if the judge "believes the parties or their attorneys might reasonably consider [the information] relevant to a

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 8 of 10

motion for disqualification.” *Id.* at 7 (quoting Comment 4 to Rule 18-102.11). In deciding whether to disclose, judges may “give weight to the fact that, absent an unusual circumstance,” such as socializing with the former law clerk on a regular basis or officiating at the law clerk’s wedding, “the relationship between a judge and a former law clerk is not a basis for mandatory recusal.” *Id.* at 7. We further cautioned that, “[p]arties can be motivated to ask for recusal for a variety of reasons, some [of] which are proper, and others which are entirely improper, such as judge shopping or seeking an otherwise unwarranted postponement.” *Id.* Accordingly, we directed that “a judge’s primary concern should be whether disclosure will promote public confidence in the judiciary.” *Id.*

The Recusal Policy

Some states have implemented certain mandatory recusal disclosure requirements, however, by rules that apply uniformly in those states. *See* James Sample, David Pozen, & Michael Young, *Fair Courts: Setting Recusal Standards*, Brennan Center for Justice, 1, 27-28 (2008). In contrast to the recusal policy under consideration, these disclosure requirements are established by rule and are triggered primarily when judges *deny* a motion to recuse or when parties are consenting to a judge presiding over a matter where there is a question of impartiality. *See, e.g.*, FL Code § 38.02 (2025) (“[I]f the judge finds that the suggestion is false, he or she shall forthwith enter the order so reciting and declaring himself or herself to be qualified in the cause.”); *see* IA Code § 602.1606 (2025) (instructing “[a] judicial officer [to] disclose to all parties in a proceeding any existing circumstances . . . before the parties consent to the judicial officer’s presiding in the proceeding”). Although not mandatory in Maryland, a judge who is subject to disqualification “*may* disclose on the record the basis of the judge’s disqualification and may ask the parties and their attorneys to consider, outside the presence of the judge and court personnel, whether to waive disqualification.” Rule 18-102.11(c). As noted previously, however, waiver is not permissible where a judge is disqualified on grounds of bias or prejudice. *Id.* The Maryland Rules are silent on whether judges should disclose their reason(s) for voluntary recusal or for *granting* a motion to recuse. We are aware of only one state, New York, that requires a judge “provide the reason for [] recusal in writing or on the record” provided the reason for the recusal does not “result in embarrassment, or is of a personal nature, affecting the judge or a person related to the judge[.]” N.Y. Judiciary Law, Art. 2 § 9 (2020).

Applying the foregoing laws and principles to Requester’s primary question, we conclude that, because the subjective reasons that inform judges’ determinations that they must recuse may be very personal and perhaps even confidential, the administrative judge cannot *require* judges to provide the reason(s) for their decisions to recuse. It is not difficult to imagine the personal and confidential reasons why judges may believe they cannot remain fair and impartial or why the failure to recuse might result in the appearance of impropriety.

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 9 of 10

A judge may not want to disclose, for example, having undergone a particular medical procedure or having had a serious disagreement with a particular litigant or counsel in the past.

It is appropriate and certainly a common practice for courts, for scheduling purposes, to maintain conflict or recusal lists whereby each judge provides a list of the entities and/or persons for which the judge has a conflict that requires their recusal. *See* Rules 18-102.12(b) and 16-302(c)(2). Administrative judges are required to adopt case management plans that, among other things, “establish systems of regular reports that will show the status of all pending actions with respect to their readiness for trial, . . . and the availability of judges for trial work.” Rule 16-302(c)(8). Administrative judges, like the Requester in this case, often send out advance conflict checks before scheduling certain cases. Even though the administrative judge cannot require it, judges may, in addition to identifying the persons/entities with whom they have a conflict, want to identify for the administrative judge the nature of any conflict for practical case management reasons. For example, a judge may identify a conflict with a particular national bank, but clarify, in explaining the reason for the conflict, that the conflict only applies to matters involving the bank’s investment accounts. It is the “trial judge’s personal responsibility for ensuring that the work of the court is completed expeditiously” and all judges must work together to achieve this lofty yet attainable goal. ABA Standards for Criminal Justice Special Functions of the Trial Judge, Standard 6-1.5. cmt. (3d ed. 2000).

Judges’ Obligations to the Court

As mentioned previously, a judge’s “duty to preside when qualified is as strong as the[] duty to refrain from presiding when not qualified.” *Matter of Russell*, 464 Md. 390, 403 (2019). Maryland caselaw establishes a strong presumption that judges “are impartial participants in the legal process[.]” *Id.* Rule 18-102.7 specifies that “[a] judge shall hear and decide matters assigned to the judge unless recusal is appropriate.” Comment [1] to Rule 18-102.7 is instructive:

Although there are times when disqualification is necessary or appropriate to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. The dignity of the court, the judge’s respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge’s colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

Subsections (b) and (c) of Rule 18-102.5 instruct that judges “shall cooperate with other judges and court officials in the administration of court business” and that they “shall not

Maryland Judicial Ethics Committee

Opinion Request Number: 2025-32

Date of Issue: November 07, 2025

☒ Published Opinion ☐ Unpublished Opinion ☐ Unpublished Letter of Advice

Page 10 of 10

wilfully fail to comply with administrative rules or reasonable directives of a judge with supervisory authority.”

In turn, an administrative judge has the duty to require judges “subject to the judge’s direction and control [] act in a manner consistent with the judge’s obligations” under the Code, Rule 18-102.12(a), and to take “reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them[,]” Rule 18-102.12(b). These duties are part of an administrative judge’s larger mandate to oversee the “implementation and enforcement of all administrative policies, rules, orders, and directives” which govern the function of the Judiciary as a whole. Rule 16.105(b)(11).

Requester asks whether a judge’s refusal to disclose the nature of any conflict in accordance with the newly established policy violates Rule 18-102.5(c). Because an administrative judge cannot require mandatory disclosure, a judge’s refusal to follow the policy cannot violate Rule 18-102.5(c). Still, the administrative judge must “supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.” Rule 16-302(a). If an occasion arises in which an administrative judge is unable to address, through appropriate corrective measures, a judge’s frequent recusals raising a substantial question as to the judge’s ability to fulfill that judge’s duties and obligations, the administrative judge “shall inform the Commission on Judicial Disabilities,” which is best suited to consider whether a judge’s actions are in violation of the Code of Judicial Conduct. Rule 18-102.15. *See also* Rule 18-401 (detailing the mission and duties of the Commission on Judicial Disabilities including the “imposition of discipline” and “enforce[ment of] standards of judicial conduct”).

Application: The Maryland Judicial Ethics Committee cautions that this Opinion is applicable only prospectively and only to the conduct of the Requester described herein, to the extent of the Requester’s compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this Opinion. Additionally, this Opinion should not be considered to be binding indefinitely.

The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If the request for advice involves a continuing course of conduct, the Requester should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.