



## *Judicial Ethics Advisory Committee*

### MEMBERS:

Hon. Edwin Alderson  
Municipal Judge Retired

Prof. Howard W. Brill

Hon. John Cole  
Circuit Judge Retired

April 11, 2013

Judge Stephen Tabor  
Sebastian County Courts Bldg  
901 South "B" Street  
Fort Smith, AR 72901

RE: Advisory Opinion 2013-01

Dear Judge Tabor:

Thank you for your request for guidance regarding the ethical propriety of the following proposed activity of the Sebastian County Drug Court. The proposed activity was more fully described in your supplemental request dated March 11, 2013.

The Sebastian County Drug Court has been approached by a local newspaper seeking co-operation in the paper's desire to publish a series on prescription drug abuse. The paper proposes to profile two Drug Court clients and follow them through their third level of progress until their anticipated graduation in December, 2013. The selection of the two clients would be made by the paper from a pool of suitable clients as determined by the two Circuit Judges and the Drug Court Administrator, but no Drug Court Judge or personnel would be involved in the solicitation or selection of the two clients.

- No client of drug court would be aware of the participation of the Judges in the determination of the pool. The Judges would assure that participation with the reporters by a Drug Court client was entirely voluntary.
- No photos during proceedings will be allowed and no other photos of the participants allowed without consent of participant.
- No extra-judicial comment by a Drug Court Judge or personnel will be solicited and /or utilized by the paper without prior consent of one of the Drug Court Judges.
- There would be 7 to 10 day online up-dates in the chronicle of the demands of being clients in the Drug Court. The Sebastian County Drug Court is open to the public and reporters are allowed to attend and report the proceedings.
- No financial benefit in any form will inure to the benefit of the Judges, the Drug Court or Drug Court personnel.

Previous opinions of the committee have dealt with Administrative Order Number 6. As there will be no photography allowed during a court session in the proposed activity, the Judges are obviously aware and have given consideration to said Order.

It is also clear that thought has been given to Rule 2.10 and the Judges are respectful of their obligations concerning fair trials or hearings and their impartial performance of duties.

In sum, the proposed activity does not violate any provision in the Code of Judicial Conduct and, in point of fact, does promote public understanding and confidence in our Drug Courts.

For the Committee,  
Judge John Cole (retired)