

COMMONWEALTH OF PENNSYLVANIA



SUPREME COURT OF PENNSYLVANIA
JUDICIAL ETHICS ADVISORY BOARD

PENNSYLVANIA JUDICIAL CENTER
601 COMMONWEALTH AVENUE, SUITE 6100
PO Box 62333
HARRISBURG, PA 17106-2333

PHONE: 717-705-1785
FAX: 717-231-9594

EMAIL: JEAB@pacourts.us
WEBSITE: <https://JEAB.pacourts.us>

GENERAL GUIDANCE

ISSUED: February 12, 2026

General Ethics Guidance No. 1-2026

ATTENDING OR PARTICIPATING IN A PROTEST, RALLY, DEMONSTRATION, VIGIL, MARCH OR OTHER ISSUE-RELATED EVENT

The Supreme Court of Pennsylvania has designated the Judicial Ethics Advisory Board (JEAB or Board) as the approved body to render Advisory Opinions and General Guidance regarding ethical concerns involving persons subject to the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges (Codes). The Rules of the JEAB provide that, when a Judicial Officer complies with General Guidance of the JEAB, such compliance may be taken into account in determining whether discipline should be recommended or imposed. PA.J.E.A.B. RULE 206(c). This document qualifies as “General Guidance” of the JEAB.

In addition to reviewing the JEAB’s General Guidance, Judicial Officers and candidates for judicial office may request an Advisory Opinion from the JEAB. *See* PA.J.E.A.B. RULE 201.

Where a Judicial Officer complies with an Advisory Opinion of the JEAB, such compliance shall be entitled to substantial weight in determining whether discipline should be recommended or imposed. *See* PA.J.E.A.B. RULE 206. The “Rules of Reliance” provide greater protection to a Judicial Officer or judicial candidate who obtains an Advisory Opinion of the Board than that offered by only reviewing a General Guidance.

Introduction

This General Guidance explores the factors that a judge should consider when deciding whether attending or participating in a protest, rally, demonstration, vigil, march or other issue-related event is consistent with the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial Judges. While there are factors that must be considered, the inquiry is a fact-intensive one that ultimately must be decided on a case-by-case basis. The touchstone for this inquiry is ensuring that a judge does not attend or participate in an event that erodes the public's confidence in the independence, integrity and impartiality of the judiciary, creates an appearance of impropriety or violates a judge's obligation to refrain from engaging in political activity, campaign activity, personally soliciting funds and permitting the use of the prestige of the judicial office to advance the personal or economic interests of the judge or others.

Even if a judge determines that it is permissible to attend or participate in such an event, the judge must continue to analyze the situation because such events are dynamic and their character often changes unexpectedly. Therefore, a judge must remain vigilant and be prepared to leave in the event that something occurs that would make it inappropriate for the judge to remain at the event.

This General Guidance does not address the issue of whether a judge may serve as an officer, director, trustee or nonlegal advisor of an educational, religious, charitable, fraternal or civic organization. It also does not address issues related to the prohibition under Canon 4 of a judicial candidate not engaging in political or campaign activity that is inconsistent with the independence, integrity or impartiality of the judiciary.

Applicable Ethical Rules

There is no one Rule that addresses the issue of when a judge attending or participating in a protest, rally, demonstration, vigil, march or other issue-related event is consistent with the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial Judges. Rather, there are multiple Rules that are applicable to this situation. Additionally, those Rules are the same in the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial Judges.

Rule 1.2 provides that a judge “shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” Integrity is defined as “probity, fairness, honesty, uprightness, and soundness of character.” Impartiality is defined as the “absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.”

The Comment to Rule 1.2 explains that public confidence in the judiciary is eroded by improper professional and personal conduct as well as by such conduct that creates the appearance

of impropriety. Unlike other citizens, a judge must expect to always be the subject of public scrutiny and, therefore, a judge's actions are more restricted than those of other citizens.

Rule 1.3 provides that a judge “shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.”

Rule 2.1 provides that “[t]he duties of judicial office, as prescribed by law, shall ordinarily take precedence over a judge's personal and extrajudicial activities.” Rule 2.10(A) provides that a judge “shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.” Additionally, Rule 2.10(B) provides that a judge “shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” The Comment to Rule 2.10 notes that the Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity and impartiality of the judiciary.

Rule 2.11(A)(5) requires disqualification when a judge “has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding or controversy.”

Rule 3.1 requires that judges “shall regulate their extrajudicial activities to minimize the risk of conflict with their judicial duties and to comply with all provisions of this Canon.” In particular, “a judge shall not participate in activities that will interfere with the proper performance of the judge's judicial duties, [shall not] participate in activities that will lead to frequent disqualification of the judge, [and shall not] participate in activities that would reasonably appear to undermine the judge's independence, integrity, or impartiality.”

Rule 3.7 provides that a judge may engage in avocational activities such as speaking on non-legal subjects as long as speaking on a non-legal subject does not detract from the dignity of the judicial office or interfere with the performance of judicial duties. Judges may also participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties.

Rule 4.1 prohibits a judge from making “speeches on behalf of a political organization or a candidate for any public office” and from attending “dinners or other events sponsored by a political organization or a candidate for public office.” The Comment explains that “[p]ublic confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence.” Likewise, Rule 4.2 requires judicial candidates to “act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary.”

Discussion

In a world in which events are more often politicized than in the past and the independence, integrity and impartiality of the judiciary are increasingly under attack, there is unfortunately no clear rule to guide judges as to what protests, rallies, demonstrations, vigils, marches or other issue-related events they may participate in or attend. Rather, there are only factors that judges should consider before deciding whether attending or participating¹ in such an event is consistent with their ethical obligations. In doing so, judges must assume that their identity as a judge will be known and that their participation will be scrutinized, regardless of the size of the county in which they reside, the size of the bench on which they sit, the type of cases that they hear and whether they serve on a trial or appellate court. They also must be prepared to leave an event if the nature of the event changes in a way that makes it inappropriate to remain.

Judges are not forbidden from making public comments or from attending or participating in events at which the public is present and do not lose entirely their right to free speech. Judges are “encouraged to engage in appropriate extrajudicial activities,” especially those that “concern the law, the legal system and the administration of justice” because they are “uniquely qualified” to do so. Rule 3.1, Comment 1. Unlike other members of the public, judges are held to ethical standards.

The following is a list of factors that judges should consider before attending or participating in a protest, rally, demonstration, vigil, march or other issue-related event.

- The title of the event** – The more provocative or advocacy-oriented the title of the event is in its promotional material, the more likely a judge should neither attend nor participate in the event.

- The stated and underlying purpose and objective of the event** - If the event primarily serves an advocacy or political purpose or is a fundraiser (except for a fundraising event that is for the advancement of the legal system as permitted by Rule 3.7(B)(2)) at which the judge is a featured speaker, the judge should not participate due to concerns regarding frequent subsequent disqualification requests of the judge and concerns about the appearance of partiality. Also, if the event touches upon a pending matter currently before the judge, then the judge should not attend the event.

- The sponsors and organizers of the event** - If the event is primarily sponsored or affiliated with a political party or candidate or seeks to influence the actions of a particular political official, the judge should not participate due to impartiality and independence concerns. If the event is held

¹ A judge participating in an event as, for example, an organizer, panelist or speaker sends a stronger message to the public than when a judge merely attends an event as a spectator. Therefore, a judge should consider the nature of the judge’s involvement in an event when deciding whether or not it is appropriate to participate in or attend an event. There may be times when a judge may attend an event, but it would be inappropriate for the judge to participate in that event as an organizer, panelist or speaker.

by an advocacy group² or a frequent litigant in the judge's court, the judge should carefully weigh the purpose of the event. If it is for a nonadvocacy purpose and the judge can participate in a manner that will not raise public concern about the judge's impartiality, then the judge may participate.

-The details of the event, including, but not limited to, the location of the event, the persons who are scheduled to speak at the event and the persons who are invited to attend the event

- If the event is scheduled to be held at a nonneutral location such as a law firm or police headquarters, the scheduled speakers are associated with a controversial viewpoint or the persons invited only represent one side of an issue, it may be inappropriate to attend or participate in the event.

-The risk that the event might depart from its original mission - If a judge believes that the event may depart from a stated mission that would be appropriate for a judge to attend or participate, the judge should evaluate the risk in determining whether or not it is appropriate to attend and participate. If the judge determines that the risk is low and that attendance or participation is permitted, the judge must be vigilant to take appropriate action, including leaving the event, in the event that there is a significant departure from the original mission.

-The likelihood of confrontation between participants and others, including law enforcement, that may lead to unlawful acts - If the event is being held in a time, place, or manner where participants likely will violate the law by, for example, not following imposed curfews or by becoming violent, then a judge should not participate.

-The judge's role at the event - If a judge is requested to be a featured speaker or guest of honor at an event, the judge should carefully review all invitational materials to determine whether the judge's featured presence may cause frequent disqualification or might subject the judge to concerns that the judge is improperly using the prestige of judicial office to further the organization's goals. If the event does not specifically involve matters concerning the law, the legal system or the administration of justice, the judge should not allow the judge's title to be referenced during the event and should not wear any clothing identifying the judge with the judiciary. A judge is, however, permitted to be a speaker or a guest of honor at a fundraising event that is for the advancement of the legal system. See Rule 3.7(B)(2).

The above list of factors is not all-inclusive. There may be other factors to consider and no one factor is preeminent. The list of factors is intended to place the event in its proper context.

² An advocacy group is an organized entity that has the aim to influence public policy and decision-making by promoting specific issues, interests or causes. Advocacy groups often operate by mobilizing citizens and shaping public opinion through campaigns, lobbying, and grassroots efforts. They focus on a wide range of issues, including, but not limited to, the environment, social justice, health care and education. There are often advocacy groups that represent opposing sides of an issue.

In doing so, judges should not participate in events that might reasonably be thought to undermine the public's confidence in the judiciary, would interfere with the performance of a judge's judicial duties, or would create the appearance that a judge was acting on behalf of or lending the prestige of the judicial office to a political candidate or organization. Additionally, judges must assess whether an event relates or is likely to relate to a case that is pending before a court, relates to an issue that is likely to come before the courts, or is reasonably likely to give rise to litigation and the judge's attendance might lead to disqualification.

Participating in an event is different from attending an event. When a judge participates in an event by speaking at the event, organizing the event, or in some other way, the judge must take reasonable efforts to determine the message that other participants will deliver. If the message of other participants is one that would be inappropriate for a judge to deliver, then the judge should consider not participating even if the judge's remarks or other participation standing alone would be appropriate or taking other reasonable measures to make sure that the judge is not associated with the speaker whose remarks are inappropriate.

Since participating in an event is different from merely attending an event, there may be times when a judge should neither participate in nor attend an event and times when it might be permissible to attend an event but not participate in that event. Judges must also consider whether engaging in symbolic acts, such as carrying signs, wearing clothing or buttons, that might identify them as siding with a particular viewpoint or making a public statement on even a permissible topic might undermine the public's confidence in the judiciary.

Judges are encouraged to engage in appropriate extrajudicial activities, especially in those activities that concern the law, the legal system and the administration of justice because of their unique qualifications in those areas. Judges must, however, be careful not to conclude that every event is permissible to attend or participate in because the event relates to the law, the legal system or the administration of justice. The law, the legal system and the administration of justice are broad concepts that could, but should not, be used to justify attendance or participation in every event. Rather, even if an event relates to the law, the legal system or the administration of justice, a judge must examine the factors set forth above and refrain from attendance at or participation in the event if the judge's activity would reflect adversely upon the judge's independence, integrity or impartiality.

The Board recognizes that there will be times when applying the above guidance will easily lead to the conclusion that an event is either permissible or impermissible to participate in or attend and that there will also be times when it will be much more difficult to decide whether it is permissible to attend or participate in an event. The Board also appreciates that refraining from attending or participating in events may be contrary to a judge's non-partisan aspirations or subjective belief that attending or participating in an event is "doing the right thing." Judges should not, however, be swayed by public clamor or fear of criticism and must not permit social, political, or other interests to influence the judge's conduct or judgment.

In those difficult-to-decide situations, the Board urges judges to err on the side of not attending or participating in events in order to protect the public’s confidence in the independence, integrity and impartiality of the judiciary from eroding and to make sure that judges do not create an appearance of impropriety. Placing the perception of the judiciary over the engagement of an individual judge in an event is consistent with Rule 2.1, which requires that “[t]he duties of judicial office . . . shall ordinarily take precedence over a judge’s personal and extrajudicial activities.”

The facts and circumstances of each event must be considered on its individual merits. This Board and other States have addressed the issue of when a judge may attend or participate in a protest, rally, demonstration, vigil, march or other issue-related event and have recognized that the overriding goal is to effectuate the principle enunciated in Rule 1.2 of “act[ing] at all times in a manner that promotes public confidence in the independence, integrity, impartiality of the judiciary.” Therefore, judges are obligated to defend the judiciary’s independence, integrity and impartiality. The affirmative obligation remains even in the face of the judiciary’s independence being threatened and made a political issue. Depending on the context, this obligation will sometimes permit a judge to attend or participate in a protest, rally, demonstration, vigil, march or other issue-related event. In some situations, however, defending the judiciary’s independence, integrity and impartiality will require a judge from refraining from attending or participating in a protest, rally, demonstration, vigil, march or other issue-related event.

Conclusion

A judge may attend and participate in a protest, rally, demonstration, vigil, march or other issue-related event as long the attendance and participation are consistent with the judge’s ethical obligations. That decision is not always an easy one to make. Judges are encouraged to consult with the Board before making a decision to attend or participate in such events.