JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-54

February 10, 1995

Question: May a District Magistrate Judge serve as a Mediator in Domestic Relations Cases?

Answer: Canon 5. E. prohibits a judge from acting as an arbitrator or mediator.

However, we held in Opinion JE-41 that a settlement conference in a pending case is neither arbitration nor mediation, and a judge is not prohibited by Canon 5. E. from holding settlement conferences.

We are of the opinion that Canon 3. does not prohibit a judge from holding a settlement conference in a pending domestic relations case, even though the judge has entered an ex parte order in the same case at an earlier date.

Robert H. Miller, Chairman

Adrian J. Allen

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