

OFFICE OF GOVERNMENT ETHICS

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**Letter to an Administrative Law Judge
dated March 29, 2001**

This is in response to your letter dated March 14, 2001, in which you ask the Office of Government Ethics (OGE) for a formal advisory opinion as to whether it is proper for a United States administrative law judge (ALJ) to use the title "Judge" and/or "Judge and Mrs." in personal correspondence. Although your request does not meet the criteria at 5 C.F.R. § 2638.303 for a formal advisory opinion, we are pleased to respond to your request informally. See 5 C.F.R. § 2638.305.

Section 2635.807(b) of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), 5 C.F.R. part 2635, provides,

[a]n employee who is engaged in . . . writing . . . as an outside activity shall not use or permit the use of his official title or position to identify him in connection with his . . . writing activity . . . except that:

. . .

(3) An employee who is ordinarily addressed using a general term of address, such as "The Honorable," or a rank such as a military or ambassadorial rank, may use or permit the use of that term of address or rank in connection with his . . . writing.

In addition, section 2635.808(c) of the Standards of Conduct provides,

[a]n employee may engage in fundraising in his personal capacity provided that he does not:

. . .

(2) Use or permit the use of his official title, position or any authority associated with his public office to further the fundraising effort, except that an employee who is ordinarily addressed using a general term of address, such as "The Honorable," or a rank, such as a military or ambassadorial rank, may use or permit the use of that term of address or rank for such purposes[.]

In our view, the term "Judge" is a general term of address comparable to "The Honorable" and is, we understand, commonly used to address ALJs. As such, it is a term that would be covered by the provisions of the Standards of Conduct quoted above. Consistent with those provisions, we can advise you that the Standards of Conduct would not prohibit an ALJ from using the title "Judge" and/or "Judge and Mrs." in personal correspondence.

We trust that this advice is responsive to your needs.

Sincerely,

Marilyn L. Glynn
General Counsel