Colorado Supreme Court
Colorado Judicial Ethics Advisory Board (CJEAB)

C.J.E.A.B. Advisory Opinion 2026-02
(Finalized and effective September 1, 2026)

BACKGROUND:

The requesting judge is a newly appointed magistrate. Before joining the bench, she practiced law in Colorado under her maiden name for fifteen years, despite having married nine years ago. At the time of her marriage, the requesting judge legally changed her name, keeping her maiden name as her middle name. She also updated her name with Colorado's attorney registration system and those in other jurisdictions where she is licensed. Nevertheless, she continued to appear in court, try cases, author pleadings, and otherwise participate in the legal community using her maiden name, the name by which she was professionally known.

The requesting judge has asked whether a judicial officer may continue to use a longstanding professional name—in this case, her maiden name—in the performance of official judicial duties when that name differs from the judicial officer's legal name.

ISSUE PRESENTED:

Whether the Colorado Code of Judicial Conduct permits a judicial officer, whose legal last name differs from the name under which she has long practiced law and by which she is professionally known, to continue using that longstanding professional name in the performance of official judicial duties and court-related communications.

SUMMARY:

The Colorado Code of Judicial Conduct ("Code") does not prohibit a judicial officer from using her maiden name for her official duties when her maiden name is the one by which she is already professionally known, as long as she does not do so in order to deceive or mislead litigants, the judiciary, or the public or to achieve some other improper purpose.

APPLICABLE PROVISIONS OF THE CODE:

Unlike the Colorado Rules of Professional Conduct, the Code contains no provisions expressly addressing judges' duty to conduct themselves honestly. *Cf.* Colo. RPC 8.4(c) (prohibiting attorneys from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). The Code, however, contains provisions that touch on a similar duty of honesty.

Canon 1 of the Code states that "A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

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." Comment [3] to that Rule states that "[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms." Comment [5] explains that "[t]he test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge."

The Code defines "impropriety" as "conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge's independence, integrity, or impartiality." The Code also defines "integrity" as "probity, fairness, honesty, uprightness, and soundness of character."

ANALYSIS:

This Board has not previously addressed this question. Nor does it appear that any other jurisdiction has addressed the question in precisely this context. We take guidance, however, from the decisions issued in related circumstances. In those cases, as in the Code, the focus is on whether the judge is engaging in dishonest conduct. Dishonest conduct includes conduct reflecting an attempt to confuse or mislead the public. *See Barrett v. Thurston*, 593 S.W. 3d 1, 7 (Ark. 2020); *Levey v. Dijols*, 990 So.2d 668, 692-93 (Fla. Dist. Ct. App. 2008).

At least two jurisdictions have addressed the use of a maiden name by a candidate for judicial office. In *Barrett*, 593 S.W. 3d at 7, the Arkansas Supreme Court evaluated a claim that a judge had improperly used her maiden name to register her candidacy for a judgeship. *Id.* at 6-7. One of the candidate's opponents asserted that because the candidate had signed the requisite election pledge using her maiden name, rather than her married, legal name, she had falsified that document. *Id*. But the Court noted that the applicable statute required only that the candidate use their "surname." *Id.* at 7. The candidate testified that, although her full name at the time of the election included her married name, she used her maiden and married names interchangeably in both her personal and professional life. *Id.* The Court emphasized that the candidate was known professionally primarily by her maiden name. *Id.* It therefore concluded that "her use of her maiden name on the ballot title does not serve to undermine the spirit of the [required] pledge by obfuscating her true identity, nor does it run afoul of the applicable statute, which requires only that a candidate use their 'surname.'" *Id.*

The Florida District Court of Appeals reached the same conclusion under similar factual circumstances in *Levey*, 990 So.2d at 692-93. In that case, the applicable statute required candidates to print their names as they wished the name to appear on the ballot. But the statute did not define the term "name" or require candidates to use the name that appeared on their driver's license, voter registration, or Florida Bar license. *Id.* Because the candidate's maiden name was "a form" of her name, and because Florida law does not deprive a woman of her birth-given name upon marriage, the Court concluded that the use of her maiden name did not disqualify the candidate from the ballot. *Id.* at 693. Moreover, the Court emphasized that the trial court "found no evil purpose" in the choice of name and "no fraud or misconduct" on the part of the candidate. *Id.*

Furthermore, as early as 1943, a leading lawyer ethics committee expressed the opinion that an attorney may ethically use her maiden name in her law practice, even when she has been admitted to practice under her married name. *See* N.Y. City Bar Ethics Opinion 638 (1943). That opinion recommended only that "the inquiring attorney may wish to consider modifying her registration if she decides to practice under her maiden name." *Id.*

The requesting judge here has informed the Board that she has maintained her maiden name as her primary professional identity throughout her legal career. She explains that it is the name under which she has practiced law, established her professional reputation, and become known in the legal community. She also avers that she seeks only to maintain continuity professionally by continuing to use her maiden name as a judge, not to conceal her identity, avoid legal obligations, or mislead litigants or members of the public.

The Board notes that, under some circumstances, a judge could use a name different from their legal name for the purpose of deception and thereby run afoul of the Code. For example, a judge who, upon appointment, decides to change their name to obscure prior criminal or disciplinary history from the public would likely be acting contrary to the requirements of the Code. In contrast, the requesting judge here will, if anything, be more easily identified given that her maiden name is the one by which she is already known professionally. She intends to use a form of her name—her maiden name—and by doing so will commit no fraud or misconduct.

CONCLUSION:

As long as the judge's use of her maiden name is not intended to deceive litigants, the judiciary, or the public, or otherwise to achieve an improper purpose, the Code does not prevent her from continuing to use her maiden name in the performance of her judicial duties, even when she has legally changed her name to her married name.

FINALIZED AND EFFECTIVE this 1st day of September, 2026.