

Advisory Committee on the Code of Judicial Conduct

Hon. Frank H. Allen, Jr., Chairman
Hon. Marie A. Baca
Hon. James J. Wechsler
Prof. William MacPherson

September 10, 2002

Re: Judicial Advisory Opinion No. 02-07

Dear:

You have asked our committee if there is any prohibition against a District Judge teaching an evening class in Business Law at the local Branch Community College. You are to receive a stipend for teaching, but your real incentive is that you get a tremendous amount of personal satisfaction teaching people about the law and the legal system.

Rule 21-500 B specifically provides a judge may teach.

B. A vocational activities. A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code.

"Subject to the requirement of this code" applies to Rule 21-500 A:

A. Extra-judicial activities in general. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

(1) cast doubt on the judge's capacity to act impartially as a judge; ...

(3) interfere with the proper performance of judicial duties;...

Rule 21-600 (A) permits a judge to receive compensation for extra-judicial activities which are permitted by the Code of Judicial Conduct. This permission is expressly conditioned upon the requirements that "neither the source nor amount of such [compensation] gives the appearance of influencing the judge's official duties, or otherwise gives the appearance of impropriety." Therefore, the amount of compensation you are to receive for comparable teaching responsibilities. Rule 21-600(B) requires a judge to report extra-judicial compensation.

It is time-honored tradition that judges should engage in lecturing and teaching legal and non-legal subjects. There is little doubt that the students will benefit from the involvement of a learned judge in the educational process. We can find no prohibition to you teaching an evening class in Business Law.

Sincerely,
Frank H. Allen, Jr.
Chairperson
Judicial Advisory Committee

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