

Advisory Committee on the Code of Judicial Conduct

Hon. Frank Allen, Jr. Chairman
Hon. Thomas A. Donnelly
Prof. William T. MacPhearson, Jr.
Hon. Marie Baca

May 1, 1995

Re: Judicial Advisory Opinion 95-02

Dear

You have requested an advisory opinion concerning whether you can continue to serve as member of the _____ Advisory Board of Directors since you been recently elected a Metropolitan Judge. You indicate that your responsibility is "to provide assistance and advice". Some members of the board assist in solicitation and raising money for the center but you have chosen not to become involved with this activity.

_____ is a non-profit organization and emotional support for victims _____. Volunteers from this organization often testify in felony _____ cases in District Court, but these matters are not within the jurisdiction of the Metropolitan Court. Although the Metropolitan Court is authorized to conduct preliminary hearings in felony cases this very rarely occurs since most felony cases are submitted to a Grand Jury or the preliminary hearings are heard in District Court.

Your attention is directed to the "new" Code of Judicial Conduct which was approved by our Supreme Court on February 16, 1995. SCRA 21-500(C) (3) states as follows:

(3) A judge may serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal, or civic organization not conducted for profit, subject to the following limitations and other requirements of this Code:

(a) a judge shall not serve as an officer, director,

trustee or non-legal advisor if it is likely that the organization:

(1) will be engaged in proceedings that would ordinarily come before the judge; or

(2) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

The _____ is a civic organization not conducted for profit. It is not likely that the _____ will engage in proceedings that would ordinarily come before you or that the _____ would come before the Metropolitan Court or in any court subject to the appellate jurisdiction of the court of which you are a member.

Although you have indicated that you will not engage in fund raising for the _____ you might be interested in reviewing SCRA 21-500(C)(3)(b). Your attention is also directed to comments in Paragraph C(2) concerning use of judicial time and Paragraph C(3) prohibiting a judge from serving as a legal advisor to a civic or charitable organization.

It is therefore our opinion that serving as a board member for the _____ is not prohibited by the Code of Judicial Conduct and is provided for subject to the requirements of SCRA 21-500.

Very truly yours,

Frank H. Allen, Jr.
Chairman, Judicial Advisory
Committee

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