

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 11 - 2018

RE: Propriety of a full-time magistrate judge serving as a grant writer for a non-profit or government organization as a requirement for the judge's Master's degree.

FACTS

A full-time magistrate had begun a Master's degree program prior to the judge's appointment to the bench. The judge has a grant-writing class this semester in which the assignment is to serve as a grant writer for a non-profit or government organization. The judge is likely to choose a non-profit. The judge inquires as to whether participation in the assignment is acceptable.

CONCLUSION

A full-time magistrate may serve as a grant writer for a non-profit organization as part of an assignment for a Master's degree.

OPINION

Canon 4C(3) states:

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 the other requirements of this Code.

In Opinion 10-2009, we found that a part-time municipal judge could write grants for a non-profit organization. The inquiring judge's full-time status does not affect that conclusion. Thus, under Canon 4C(3) and Opinion 10-2009, a full-time magistrate may serve as a grant writer for non-profit organization. However, the Commentary to Canon 4C(3) states: "Section 4C(3) does

not apply to a judge's service in a governmental position unconnected with the improvement of the law, the legal system or the administration of justice.” Thus, if the judge wishes to act as a grant writer for a government organization (which is allowed by the terms of the educational assignment), the judge must carefully select the organization to ensure that it is one connected with the improvement of the law, the legal system or the administration of justice.

S/ Letitia H. Verdin  
LETITIA H. VERDIN, CHAIR

S/ Usha Jefferies Bridges  
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S/ Keith M. Babcock  
KEITH M. BABCOCK

September 20, 2018.