

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 12 - 2022

RE: The propriety of a part-time associate municipal judge also serving as the County chairperson for a political group.

FACTS

A candidate for an associate municipal judge position also holds office as the County chairperson for a political group. While the associate municipal judgeship is not expressly stated to be part-time, the job description indicates that the “Associate Judge fills in when the Municipal Court Judge is unavailable or on an as needed basis only. The Associate Judge is expected to work approximately 10 days per year.” The judicial candidate inquires as to whether the candidate may continue to serve as the chairperson of the political group if appointed as associate municipal judge.

CONCLUSION

A part-time associate municipal judge may also serve as the County chairperson for a political organization.

OPINION

The Code of Judicial Conduct prohibits judges from engaging in inappropriate judicial activity. Canon 5A(1)(a) states that a judge should not “act as a leader or hold an office in a political organization.” However, the code contains certain exceptions for part-time judges, including one that exempts part-time judges from the prohibition on holding office in a political organization.

The Code defines a “continuing part-time judge” as one “who serves repeatedly on a part-

time basis by election or under a continuing appointment....”¹ The position here, which will involve repeated service but is only expected to be ten days per year, is clearly one of a continuing part-time judge.

The Application of the Code of Judicial Conduct, Section C(1)(b) states that a continuing part-time judge “is not required to comply at any time” with Canon 5(A)(1). Thus, the inquiring judge may serve as a part-time associate municipal judge while retaining the position of County chairperson of a political organization under the exception.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

s/ William H. Seals, Jr.
WILLIAM H. SEALS, JR.

s/ Keith M. Babcock
KEITH M. BABCOCK

August 3, 2022

¹ In contrast, a periodic part-time judge serves on repeated occasions but must be reappointed for each matter.