

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION No. 15 - 2019

RE: Propriety of a full-time magistrate also being employed as a motivational speaker.

FACTS

A full-time magistrate judge inquires into the propriety of operating a motivational speaking business and serving as an independent motivational speaker. The speaking engagements would not conflict with the judge's judicial duties because the magistrates in that county work on 12 hour rotations, with two days on and two days off. Any speaking engagements would be set for the judge's off-duty days. The speeches would consist of personal stories leading up to the judge's practice as an attorney-- i.e., childhood, upbringing, family, law school. The judge intends to steer away from discussing the judge's present employment as a magistrate.

CONCLUSION

A full-time magistrate should not also be engaged in business as a motivational speaker.

OPINION

The Code of Judicial Conduct does not prohibit employment by a full-time magistrate, other than the prohibitions on the practice of law and service as a mediator.¹ Furthermore, we have previously addressed whether a full-time magistrate can be employed in other business capacities and found that, provided that the other employment does not require significant time away from

¹ The prohibitions on the practice of law and service as a mediator are found in Canon 4F and 4G.

judicial duties or otherwise violate the Code, such employment is permitted. See, e.g., Op. No. 13-2005 (full-time magistrate may be employed by retail pharmacy); 9-2014 (full-time magistrate may be employed as a baseball coach). However, due to the nature of motivational speaking, the judge will be offering up personal anecdotes from the judge's life. However, the judge no longer practices law so the judge cannot claim to be a practicing lawyer during the speaking events; at the same time, the Code of Judicial Conduct would prevent the judge from discussing the judge's current position because that could be viewed as a violation of Canon 2B: "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others[.]" Thus, we must conclude that a full-time judge cannot also be engaged in business as a motivational speaker.

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

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

November 7, 2019