

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 19 - 2022

RE: Propriety of a magistrate court judge serving as a board member of a non-profit organization that provides information, resources, and assistance in order to make informed decisions about pregnancy, sexual health, and relationships.

FACTS

A magistrate court judge would like to serve as a board member of a non-profit organization in the County. The organization provides information, resources, and assistance to women, men, and families, in order for them to make informed decisions about pregnancy, sexual health, and relationships.

CONCLUSIONS

A magistrate court judge may serve as a board member of a non-profit organization that provides information and resources on pregnancy, sexual health, and relationships.

OPINION

Canon 4C(3) permits a judge to serve as an officer, director or trustee of an educational, religious, charitable, fraternal or civic organization, subject to limitations that a judge should not serve in such capacity if the organization will likely be involved in proceedings that come before the judge or will become engaged in adversary proceedings in the court of which the judge is a member. In addition, service on such a board would be prohibited if it casts doubt on the capacity to serve as a judge or interferes with the proper performance of judicial duties, in violation of Canon 4(A).

We have previously considered a municipal judge serving on the board of a similar organization. In Advisory Opinion No. 11-2017, the committee found that a municipal judge could serve on the board of a facility created to help pregnant women suffering from addictions to

cocaine, heroin, and other opiates by providing rehabilitation, job preparation, and parenting classes. We found that the organization itself is unlikely to come before the municipal court and because the municipal court's drug jurisdiction was limited, it was unlikely that any of the facility's clients would appear before the judge. Since there was no real risk of frequent recusals, we found the judge could serve.

We believe the logic of the previous opinion would apply here. The organization is not likely to appear before the magistrate court. Moreover, as a board member, it is unlikely that the judge would know the identity of clients of the facility and thus, it would be unlikely that frequent recusals would be required if clients of the facility appear in magistrate court. Participation on the board would not cast doubt on the judge's ability to serve as judge or otherwise interfere with judicial duties. Thus, the judge may serve on the board of the non-profit organization, provided the judge follow the Code of Judicial Conduct's limitations on fundraising and membership solicitation.

s/ Usha Jeffries Bridges  
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock  
KEITH M. BABCOCK

November 22, 2022