

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 88-7

Issued April 25, 1988

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]

[Not Current-subsequent rule amendments to Canons 1 through 6, Ohio Code of Judicial Conduct, eff. May 1, 1997; subsequent amendments to Canon 7]

SYLLABUS: A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties. A judge should not serve as an officer, director, manager, advisor, or employee of any business.

OPINION: We have before us your request for an informal advisory opinion on whether you, as judge, may ethically serve as a paid consultant for persons seeking elective office. You indicate that you would be a partner or a co-shareholder in a corporation formed for the purpose of acting as consultants to persons running for elective office. In addition, the partnership or corporation would be formed with an attorney who appears in your court but would not appear in your court if he were your business partner.

Under Canon 5C(2) of the Code of Judicial Conduct a judge should not serve as an officer, director, manager, advisor, or employee of any business. Furthermore, although you state you would not publicly endorse a candidate, “[a] judge should not exploit his judicial position to gain a business advantage, nor should he engage in business dealings that would involve him in frequent transactions with lawyers or persons likely to appear in his court.” E.W. Thode, Reporter's Notes to Code of Judicial Conduct 81 (1973). We assume that you would not intentionally exploit your judicial position to further a consulting business however, engaging in such activity may create the appearance of impropriety. See, Code of Judicial Conduct Canon 2. Also, candidates for political office may be lawyers or persons likely to appear before you as Judge. Therefore, we do not believe a consulting business for political candidates is the type of extra-judicial activity a judge should engage in.

In addition, Canon 7 A(4) of the Code of Judicial Conduct states that a judge should not engage in political activity. The business of consulting candidates for political office we believe could be considered engaging in political activity.

In conclusion, it is our opinion and you are so advised that you should not engage in the business of consulting candidates for political office.

This ia an informal, non-binding advisory opinion based upon the facts as presented and limited to questions arising under the code of Judicial Conduct.