

JEAC 1998-1
January 23, 1998

This is in response to your request for an advisory opinion on the propriety of your serving on the Continuing Advisory Council for [a university]. For purposes of this opinion, we note that the Continuing Education Advisory Council has the following role: (1) to provide advice on the establishment and maintenance of realistic [continuing education] programs that meet the needs of the Delaware citizenry; (2) to act as a communication link to assist in the development of community understanding and support; and (3) to assist in the development of long range goals and plans of the [university related to] continuing education. The responsibilities of council members include studying all issues related to continuing education presented to them, assisting in developing solutions, and studying and offering advice on continuing education matters. We appreciate your taking the time to review the applicable Canons of the Delaware Code of Judicial Conduct and also to consider previous opinions by this Committee on somewhat similar matters.

Based on the information provided and the review of the applicable Canons of the Delaware Judges' Code of Judicial Conduct (in particular Canons 5A and 5B), it is the view of the Judicial Ethics Advisory Committee that your service on the Continuing Education Advisory Council for [a university] would not violate the Code of Judicial Conduct. This opinion is based on the conclusion that it is not likely that [the] University or the Continuing Education Advisory Council will be regularly engaged in proceedings in [your] Court and that it does not appear that the Advisory Council is conducted for the economic or political advantage of its members.

Canon 5A states that a Judge may engage in avocational activities which are non-legal in nature so long as those activities do not detract from the dignity of the Judge's office or interfere with the performance of the Judge's judicial duties. It is our view that your service on the Advisory Council would not violate Canon 5A so long as the duties associated with serving on the Advisory Council do not take so much time as to interfere with your ability to perform your judicial duties. Canon 5B authorizes Judges to participate in civic and charitable activities that do not reflect adversely upon the Judge's impartiality or interfere with the performance of judicial duties. We also believe that your service on the Advisory Council will not violate Canon 5B. Please note that Judges involved in civic organizations should not solicit funds or permit the use of the prestige of their judicial office for the solicitation of funds for that organization and that a Judge may not give investment advice to such an organization. See Canon 5B(2) and (3).

Patricia W. Griffin
For the Judicial Ethics Advisory Committee