

JUDICIAL ETHICS COMMITTEE
ADVISORY OPINION NO. 97-3

The committee has been asked to render an opinion for a chancellor concerning a request he has received from a city police department to assist them on his “non-judicial time” in firearms training and as a member of the police department’s competing pistol team. In order to receive liability insurance coverage, to upgrade his certification as a firearms instructor, and in order to compete on the police department’s pistol team, it is necessary that he receives a commission from the police department.

The chancellor requesting the opinion does not have jurisdiction in criminal cases or hear any criminal matters by interchange. The commission he would receive from the police department would expressly provide that he is not granted any law enforcement powers or duties and is not authorized to carry a weapon. Although not mentioned in the request, we assume that these functions are to be performed without compensation.

Under the conditions and limitations set out above, the committee sees no ethical impropriety in the requesting chancellor receiving this commission from the local police department and participating in weapons training of law enforcement officers and in participating with their competing pistol team. Since police officers do not appear before this chancellor on a regular basis, we see no reason that this would cause his impartiality to be reasonably questioned nor would there be any appearance of impropriety.

It is arguable that the separation of powers provision of the Constitution of Tennessee, Article II, Section 2, prohibits the granting of a commission by a local police department to a sitting judge or chancellor. Under the

facts of this case, we see no conflict because there are no powers or authority granted to the chancellor under the facts presented concerning this particular commission. We do caution that a judge or chancellor should conduct all of his or her extra judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) Interfere with the proper performance of judicial duties.

Rule 10, Canon 4A. Rules of the Supreme Court of Tennessee.

JOHN H. PEAY, Chairperson

CONCUR:

KURTZ
FRIERSON
PEETE
CANON (Not Participating)

September 8, 1997