

**JUDICIAL ETHICS COMMITTEE
ADVISORY OPINION NO. 99-4**

Before the Committee is the question of whether a trial judge may accept part-time employment with a large corporation if the work is non-legal in nature and the employment would not interfere with the proper performance of judicial duties. Specifically, the majority of the trial judge's employment responsibilities would be conducted during the weekend and there would be no interaction with the general public. Additionally, the trial judge would be compensated at the same rate as received by other employees for comparable work. We conclude that such part-time employment is prohibited by the Code of Judicial Conduct.

Canon 4(D)(3) establishes a *per se* prohibition on a judge serving as an "officer, director, manager, general partner, advisor, or employee of any business entity" except for those business activities closely connected to the judge's family. See also JEFFREY M. SHAMAN ET AL., Judicial Conduct and Ethics § 7.12 at 217 (1995). Indeed,

[n]o consideration need be given to the scope of the [judge's] involvement, the nature of the enterprise, the form of its organization, or even its possible location well beyond the judge's jurisdiction. . . . [A] judge may not work as a laborer or clerk for a single corporation even if every aspect of the employment is otherwise beyond reproach.

JEFFREY M. SHAMAN ET AL., Judicial Conduct and Ethics § 7.12 at 218. The reasons for the *per se* prohibition are numerous. A judge's employment with a business entity may lead to (1) increased level of actual or apparent partiality; (2) unacceptable interferences with judicial duties; or (3) real or apparent exploitation of judicial office. JEFFREY M. SHAMAN ET AL., Judicial Conduct and Ethics § 7.14 at 220.

Accordingly, we conclude that Canon 4(D)(3) prohibits a judge from accepting employment with a business not closely connected with the judge or his family.

FOR THE COMMITTEE:

DAVID G. HAYES, Judge

Concur:
FRIERSON
KURTZ
PEETE
WAGGONER

August 23, 1999