

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OPINION 87-050

December 18, 1987

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]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

SYLLABUS: A judge may ethically serve as a member of the Board of Trustees for a retirement plan for lay employees of a local Catholic Diocese.

OPINION: We have before us your request for our opinion on whether a municipal court judge may accept a position on the Board of Trustees for a retirement plan for lay employees within the Catholic Diocese. It is our understanding that such a position would involve the management of the lay employees' retirement fund of the local Catholic Diocese.

It is our opinion that accepting such a position would not violate the Code of Judicial Conduct. Membership on such a Board would not involve the solicitation of funds prohibited under Canon 5B (3) of the Code of Judicial Conduct. In addition,

Canon 5B permits judges to participate in civic and charitable activities that do not adversely reflect upon their impartiality or interfere with their duties as judge. Canon 5B further specifically permits a judge to serve as a trustee of a religious or charitable organization which is not conducted for the economic or political advantage of its members. Code of Judicial Conduct Canon 5B. We do not believe that being a trustee for a retirement plan for lay employees of a local Catholic Diocese is the type of activity Canon 5B is intended to prevent.

However, please keep in mind the limitations of Canon 5B (1) and (2), which state:

- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.
- (2) A judge should disqualify himself in any case in which the decision could affect any organization which he serves as either an officer or member of the board.

In conclusion, it is our opinion, and you are so advised, that a municipal court judge may ethically serve on a Board of Trustees which oversees a lay employees' retirement plan for a local Catholic Diocese.

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

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Secretary, Board of Commissioners
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