

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 88-010

Issued June 17, 1988

[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]

SYLLABUS: The professional judgment of a lawyer should be exercised solely for the benefit of his or her client and free of compromising influences and loyalties. A lawyer who is a Commissioner with the Court of Claims, Victims of Crime Reparation section, is not precluded from serving as a Special Assistant Attorney General when those duties do not involve the Court of Claims.

OPINION: We have before us your request for an advisory opinion on whether it is a conflict of interest for you to serve as a Commissioner with the Court of Claims Victims of Crime Reparation section and also serve as a Special Assistant Attorney General doing collection work and work for the Ohio Department of Mental Health. As a Commissioner with the Court of Claims, you hear appeals regarding reparation applications for victims of crime. Ohio Rev. Code § 2743.61 (BALDWIN 1983). The Attorney General's office investigates a victim's application for reparation and makes a recommendation to the single commissioner who makes the decision regarding reparation. Ohio Rev. Code §2743.59 (BALDWIN 1987). That decision can then be appealed to a three person panel of Commissioners. You indicate that you sit approximately two days per month on such an appeal panel and do not make any initial decisions regarding an application.

A Court Commissioner is a judge for the purposes of complying with the Code of Judicial Conduct. Code of Judicial Conduct Compliance Section. Canon 3C(1) of the Code would require you to disqualify yourself if your impartiality might reasonably be questioned, including cases where you have personal bias or prejudice concerning a party. We do not believe that your impartiality should be questioned because of your other part-time position as a Special Assistant Attorney General, whose duties do not involve the Court of Claims.

You indicate you are concerned that someone before the Court of Claims may think you favor the state because of your position as Special Assistant Attorney General. You stress, however, that this is not and would not be the case. Although there is the possibility of such a perception, we believe it is minimal and effectively countered by the fact that the positions are so far removed from each other and involve none of the same issues or responsibilities.

In conclusion, it is our opinion and you are so advised that you may serve as a Court of Claims Commissioner hearing appeals on reparation applications and as a Special Assistant Attorney General doing collection work and representing the Ohio Department of Mental Health, neither of which involve the Court of Claims.

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