

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 89-003

Issued February 17, 198

[Withdrawn by Opinion 99-1 on Feb. 5, 1999]

SYLLABUS: A judge is not prohibited under the Code of Judicial Conduct from being a member of a college's Board of Trustees. However, under Canon 5B, the judge should not serve if it is likely that the college will be engaged in proceedings that would ordinarily come before him or regularly engaged in adversary proceedings in any court. In addition, a judge should disqualify himself in any case in which the decision could affect any organization in which he serves on the board or as an officer.

OPINION: We have before us your request for an advisory opinion on whether you, as a Common Pleas Court Judge, may become a member of a College's Board of Trustees. In your letter you indicate that you have been a judge in the county for nearly six years and have never had a case involving the college.

Based upon Canon 5B of the Code of Judicial Conduct, it is our opinion that a judge may be a member of a college or university board of trustees. Canon 5B states that a judge may serve as a trustee of an educational organization not conducted for the economic or political advantage of its members. This Code provision is subject to the following limitations:

- (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.

Therefore, as long as a judge complies with the foregoing limitations he or she may ethically become a member of a college or university board of trustees. This opinion is not, in any way, an interpretation of the Ohio constitution or the Ohio Revised Code. In addition, a judge is not permitted to solicit funds or permit the use of the prestige of his office for that purpose under Canon 5B(3).

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