

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 90-8

Issued April 20, 1990

Withdrawn by Adv. Op. 2022-02

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]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 Canon 7, Ohio Code of Judicial Conduct]

SYLLABUS: A judge or judicial candidate shall not act as a leader or hold any office in a political organization under Canon 7 (A) (1) (a). A judge pro tempore is a person appointed to act temporarily as a judge. A judge pro tempore is not exempted from any Canon 7 provision. Therefore, a pro tempore judge may not act as a leader nor hold any office in a political organization.

OPINION: We have before us your request on whether a judge pro tempore may be a member of a political party's executive committee or a board of trustee's member of a political party's club. According to your request, as a pro tempore judge you sit on the municipal court bench one afternoon a week hearing specific types of cases.

Canon 7 (A) (1) (a) of the Code of Judicial Conduct states that a judge or judicial candidate should not act as a leader nor hold any office in a political organization. Compliance section B of the Code defines judge pro tempore as a person who is appointed temporarily as a judge. While acting as such, a judge pro tempore is not required to comply with Canon 5C (2), (3), D, E, F, and G, and Canon 6C. There is no exception from Canon 7 for a judge pro tempore.

Therefore, a judge, including a pro tempore judge or a judicial candidate is not permitted to hold office or act as leader in a political organization. In our view, membership in a political party's executive committee is not permitted. Membership as a trustee in a political party's club should also be avoided since it may be considered a leadership position in a political organization.

In conclusion, it is our opinion and you are so advised that a judge, a pro tempore judge, or a judicial candidate may not hold an office or act as a leader in a political organization.

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