

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

OPINION 88-6

Issued April 25, 1988

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]

SYLLABUS: A retired judge who registers for referrals and submissions for service as a private judge pursuant to Ohio Rev. Code §2701.10 is not ineligible for appointment by the Chief Justice of the Ohio Supreme Court for a visiting judgeship pursuant to Ohio Const. art. IV §6(C).

OPINION: We have before us your request for an informal advisory opinion regarding retired judges who register to serve as private judges pursuant to Ohio Rev. Code §2701.10 and their ability to continue to be appointed as visiting judges by the Chief Justice of the Ohio Supreme Court.

It is our opinion that retired judges who register for service as private judges are not precluded from being appointed as visiting judges by the Supreme Court. Ohio Rev. Code §2701.10(F) specifically states that service as a private judge does not affect and should not be construed as affecting the provisions of §141.16 of the Revised Code. Section 141.16, which deals with compensation of assigned retired judges, also states that a retired judge may be assigned to active duty as a judge by the Chief Justice of the Ohio Supreme Court. Therefore, it is our belief that the legislative intent was to allow retired judges to be eligible for both private and visiting judgeships.

In your request you also ask whether a retired judge who registers for referrals as a private judge would violate any provision of the Code of Judicial Conduct if he or she also sought appointments as a visiting judge by the Supreme Court. We find nothing in the Code which would prevent a retired judge from seeking both referrals for private judgeships and assignments for visiting judgeships.

In conclusion, it is our opinion and you are so advised that a retired judge may ethically make himself or herself available for both private judgeships under Ohio Rev. Code §2701.10 and for visiting judgeships under Ohio Const. Art. IV §6(C).

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.