

NEW YORK STATE BAR ASSOCIATION  
Professional Ethics Committee Opinion

Opinion #64 - 10/16/67 (26-67) Topic: Political Activities,  
Part-Time Judge.

Digest: Improper for part-time judge to hold office in political club even though judge's duties are limited and part-time.

Canon: Judicial Canons 28, 30

QUESTION

An acting, part-time City Court Judge asks whether it is unethical or improper for him to hold an office in a local or county political club.

The acting City Court Judge is appointed to a specified term of office but has limited duties and no powers of patronage. His duties are to preside on Saturday morning for arraignment purposes only and to conduct trials only when the regularly elected City Court Judge is ill, on vacation or has a conflict of interest in a particular case.

OPINION

It is the opinion of the Committee that the judge in question may not properly hold office in a political club. Formal A.B.A. Opinion #113 construing Canons 28 and 30 of the Canons of Judicial Ethics states: a judge "should neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities .... accordingly, one who accepts judicial office must sacrifice some of the freedom in political matters that otherwise he might enjoy. When he accepts a judicial position, ex necessitate rei, he thereby voluntarily places certain well recognized limitation on his activities".

A.B.A. Informal Opinion 867, May 31, 1965, held that it would be improper for a judge to attend a political dinner meeting which has for its purpose the political advancement of a candidate to the United States Senate and for fund raising purposes.

The fact that the judge is an acting or part-time judge would not change our opinion, although the situation might be different if he served only occasionally on a pro tem basis. (See A.B.A. Opinion 759A, August 24, 1954.)