

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge may serve on the board of directors of a non-profit organization that provides counseling to wayward youth and their families when the judge will be regularly referring juveniles to that program as a condition of probation. You state in your letter that board members serve without pay, and that participants are only charged for the cost of materials. You also state that as chairman of the board you would be involved in speaking to groups and foundations who might provide funding for the organization.

It is the opinion of the Commission that a judge may not serve on the board of directors of a non-governmental program to which he regularly refers juveniles as a condition of probation. Serving on the board of such a program would create an appearance of impropriety and would not promote public confidence in the integrity and impartiality of the judiciary, contrary to Canons 1, 2A, and 5B.

In Advisory Opinion 93-468 the Commission stated that a judge should ensure that he or she has no non-judicial connection to the educational or rehabilitative program of any agency to which the judge makes referrals. In Advisory Opinion 93-507, the Commission held that serving as a member of the board of trustees of an institution to which the judge refers persons for treatment has the appearance of impropriety even though the judge receives no personal financial gain from any referral. The Commission also held in Advisory Opinion 93-507 that serving on the board of such an institution would violate the provision in Canon 5B(1) that a judge not participate in civic or charitable activities "if it is likely that the organization will be engaged in proceedings that would ordinarily come before him." See also, Advisory Opinion 87-293 (a judge may not serve on the board of a child advocacy center where the center is involved in the investigation of child abuse complaints in cases that would come before the judge).

Serving as chairman of the board of this particular organization also would be contrary to Canon 5B(2), which counsels against a judge either soliciting funds for a charitable or civic organization or permitting the use of the prestige of the judicial office for fund solicitation. See Advisory Opinions 82-166 and 87-293.

Very truly yours,

JUDICIAL INQUIRY COMMISSION