

**Colorado Supreme Court  
Judicial Ethics Advisory Board (C.J.E.A.B.)  
C.J.E.A.B. Advisory Opinion 2007-07  
(Finalized and effective Tuesday, May 29, 2007)**

**ISSUE PRESENTED**

The requesting judge sits on the district court of an urban district. The judge has been asked to serve as a voting member on a local community board, which provides integrated services to children and families as well as engages in legislative advocacy to encourage legislation benefiting children and family services on the local, state, or federal level. The judge questions whether participation on the board violates the applicable canons of judicial conduct. The judge also asks whether it would be appropriate to serve on the board as a non-voting member.

The board is composed of two specific groups: an integrated services committee and a legislative advocacy committee. Each committee meets regularly to address its respective issues and then brings those issues to the full board for reporting or voting on policy decisions or action. The integrated services committee focuses on how to integrate and efficiently provide services for children and their families. The legislative advocacy committee focuses on monitoring legislation as well as supporting or encouraging legislation that directly affects children and family services on the local, state or federal level. The board also oversees the reception and distribution of funds to governmental agencies who could be servicing children or families that appear before the judge in dependency and neglect cases.

**CONCLUSION**

The judge should not accept the board position even in a non-voting capacity. The judge's membership on the board would violate Canon 7 prohibiting legislative advocacy on the part of the judiciary because of the board's involvement with matters beyond "measures to improve the law, the legal system, the administration of justice, or the role of the judiciary as an independent branch of government."

**APPLICABLE CANONS OF THE COLORADO CODE OF JUDICIAL CONDUCT**

Canon 4 provides that a judge may consult with, or appear at a public hearing before an executive or legislative body or an official thereof, on matter concerning the law, the legal system, the administration of justice or the role of the judiciary as an independent branch without our system of government.

Canon 5B encourages a judge to participate in civic and charitable activities which do not reflect adversely on the judge's impartiality or interfere with the performance of judicial

duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an education, religious, charitable, fraternal, social, or civil organization if the organization is not conducted for the economic or political advantage of its members, and provided that the organization is not engaged in proceedings that would ordinarily come before the judge or regularly engage in adversary proceedings in any court.

Canon 7 directs that a judge should refrain from political activity inappropriate to his or her judicial office. The Canon enumerates several categories of political activity from which the judge should refrain and also states that a judge shall not “engage in any other political activity except on behalf of measures to improve the law, the legal system, the administration of justice, or the role of the judiciary as an independent branch of government.”

## **DISCUSSION**

The Board has issued several opinions involving substantially similar facts to the present request. Therefore, in answering this request, the Board incorporates the reasoning employed in opinions 2006-08, 2007-07, and 2007-03.

For reasons set forth in those opinions, the local community board’s dual functions of integrated services and legislative advocacy are problematic. If the community board involved only integrated services, the matter would likely be in compliance with canon 5B, which encourages judges to participate in “civic, charitable, educational, and similar organizations, provided that such participation does not adversely reflect upon the judge’s impartiality, and provided that the organization does not engage in adversary proceedings likely to bring it before the requesting judge or any other court.” See opinion 2007-03. However, the purpose of the board’s legislative advocacy committee is to advocate on behalf of children and their families, and such advocacy does not involve “measures to improve the law, the legal system, the administration of justice, or the role of the judiciary as an independent branch of government.” Because the community board’s functions include legislative advocacy beyond matters to improve the law, the requesting judge’s participation on the board clearly falls within the conduct prohibited by Canon 7. See opinion 2006-08.

Serving on the community board as a non-voting member would not avoid the prohibition in Canon 7. Even such membership could be perceived as the judge lending the prestige of judicial office to prohibited political activity.

The board recommends that the requesting judge not accept the board position.

**FINALIZED AND EFFECTIVE** by the Colorado Judicial Ethics Advisory Board this 29th day of May, 2007.