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Advisory Opinion 2006-02

May 8, 2006

The Arkansas Judicial Ethics Advisory Committee issued an advisory opinion to Circuit Judge Marion Humphrey of Little Rock, Arkansas. Judge Humphrey requested an opinion as to whether it would be permissible, pursuant to the decision in *Republican Party of Minnesota vs. White*, for a judge to support candidates for political office.

The Committee examined Canon 5(A)(1)(b), which states that a judge shall not... "publicly endorse or publicly oppose another candidate for public office."

The Committee respectfully decline to engage in constitutional interpretations. The Committee concluded that it is not their role to hold that a provision of the Code of Judicial Conduct is unconstitutional. That task rests with the judiciary.

Advisory Opinion 2006-03

June 13, 2006

The Arkansas Judicial Ethics Advisory Committee issued an advisory opinion to District Court Judge Phil Shoffner of Searcy, Arkansas. Judge Shoffner requested an opinion as to whether he may, as an elected judicial officer, post a political advertisement in the form of a sign in a lot across the street from his home. He stated that he and his wife are co-owners of the lot in question. Judge Shoffner also stated that his wife has given consent to the candidate to post the campaign sign. The Committee stated that the Code of Judicial Conduct places clear restrictions on a judge. For instance Canon 5(A)(1), which states that, "a judge shall not publicly endorse or publicly oppose another candidate for public office." In addition Canon 5 (A)(3) states that a judge must encourage members of his family to adhere to the same standard of political conduct. It is the opinion of the Committee that it would be improper to display a campaign sign on property owned by the judge and his wife, as it could be construed as a political endorsement.

Appointments

The Arkansas Judicial Ethics Advisory Committee announced today the appointment of two members to the Committee. Judge Edwin Alderson has been reappointed to serve a three-year term from July 1, 2006 - June 30, 2009. Judge John Plegge has been appointed to complete an unexpired term ending on June 30, 2007. Dean Howard Brill of the University of Arkansas Law School is the chair of the Advisory Committee.