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Advisory Opinion 2007-01
April 2, 2007

The Arkansas Judicial Ethics Advisory Committee issued an advisory opinion to Circuit Judge James A. Cox of Fort Smith, Arkansas. Judge Cox requested an opinion as to whether it would be permissible to serve on the University of Arkansas at Fort Smith Board of Visitors committee. He stated that the committee is an advisory body that exists to support the University and that members of the committee are not concerned with issues of fact or policy. He stated that the committee serves to communicate the perceived needs of the community to the office of the school's chancellor.

The Judicial Ethics Advisory Committee stated that Canon 4(C)(2) of the Arkansas Code of Judicial Conduct says that a judge "shall not accept appointments to a governmental committee or other governmental position that is concerned with issues of fact or policy," with the exception of matters of law or the judicial system. However, the committee notes that Canon 4(C)(3) permits a judge to serve as a trustee or advisor of an educational organization not conducted for profit.

The Committee concluded that the role of a member of the Board of Visitors is "more educational than governmental" and for reasons set forth in JEAC Advisory Opinions 95-03 and 2001-01, the committee believes that Canon 4(C)(3) is the controlling provision.

It is the opinion of the Committee that Judge Cox may serve on the Board of Visitors of the University of Arkansas at Fort Smith.

Advisory Opinion 2007-02
April 17, 2007

The Arkansas Judicial Ethics Advisory Committee issued an advisory opinion to Judicial Candidate Cathleen Compton of Little Rock, Arkansas. Ms. Compton requested an opinion as to whether it would be permissible to send a campaign contribution to the Campaign of Senator Mark Pryor. Ms. Compton had agreed prior to announcing her candidacy to be a co-host of the Senator Mark Pryor campaign. Co-hosts were asked to contribute \$1000.00.

The Judicial Ethics Advisory Committee stated that Canon 5 of the Arkansas Code of Judicial Conduct states that a judge or judicial candidate shall refrain from inappropriate political activity. Section 5A(1)(b) states all judges and candidates for election or appointment for judicial office shall not publicly endorse or publicly oppose a candidate for any public office. Finally, Section 5A(1)(e) states a judge or judicial candidate should not solicit funds for, pay an assessment to or make a contribution to a political party or candidate.

The Committee concluded that based upon restrictions in the Code of Judicial Conduct, Attorney Compton may not honor the campaign promise made prior to announcing her candidacy for a judicial position.

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