

Judicial Inquiry Commission

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August 31, 1981

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge may own and operate, on a part-time basis, a business that is a direct distributorship of a national-known product line, as well as sponsor other persons who distribute that same product line.

Your question is a very general one, and thus can be answered only in very general terms. It is the opinion of the Commission that a judge may own and operate a business where such ownership or operation does not conflict with the provisions of Canon 5C. A judge's financial activities are governed by Canon 5C.

That Canon provides that:

- “(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.
- (3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified.
- . . .
- (6) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any purpose not related to his judicial duties.”

Whether the ownership or operation of a business by a judge is violative of any of these provisions can be answered only with regard to specific factual circumstances which may arise.

Very truly yours,