
ISSUE

May a judge serve on a County Community Correction Advisory Board?

ANSWER

Yes.

FACTS

A judge wishes to be a member of County Community Corrections Advisory Board. The purposes of the Advisory Board are to develop community resources, build community partnerships, and establish restorative justice initiatives. No individual cases would be discussed or dealt with by the Board. Other members of the Board are prosecutors, public defenders, private attorneys engaged in criminal defense work, probation and parole agents, advocates for victims of domestic violence, members of the press, and other community leaders..

DISCUSSION

The Committee concludes that the issue presented involves provisions of SCR 60.03(3)(c), SCR 60.05(3)(c) states as follows:.

A judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or government agency devoted to the improvement of the law, the legal system or the administration of justice or of a non-profit educational, religious, charitable, fraternal, sororal or civic organization subject to the following limitations and the other requirements of this chapter..

The committee believes the participation of the judge in this Community Correction Advisory Board is clearly permitted under SCR 60.05(3)(c). The involvement of the judge, with others involved in the criminal justice system, is an attempt to improve and develop community resources, build community partnerships, and especially to establish restorative justice, is not only permitted but encouraged. None of the limitations and exceptions listed under SCR 60.06(3)(c)(2)(a) and (b) appear to apply to this organization, because this organization is not likely to be involved in litigation. However, the judge should not participate in fund raising, membership solicitation or otherwise lend the prestige of office to such activities in this organization decides to engage in them.

CONCLUSION

The committee concludes that a judge may serve on a County Community Correction Advisory Board whose goal is to develop community resources, build community partnerships, and establish restorative justice..

APPLICABILITY

This opinion is advisory only, is based on the specific facts and questions submitted by the petitioner to the Judicial Conduct Advisory Committee, and is limited to questions arising under the Supreme Court Rules, Chapter 60--Code of Judicial Conduct. This opinion is not binding upon the Wisconsin Judicial Commission or the Supreme Court in the exercise of their judicial discipline responsibilities. This opinion does not purport to address provisions of the Code of Ethics for Public Officials and Employees, subchapter III of Ch. 19 of the statutes.

I hereby certify that this is Formal Opinion No. 01-1 issued by the Judicial Conduct Advisory Committee for the State of Wisconsin this _____ day of January, 2002.

Thomas H. Barland
Chair