

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 90-04  
(March 27, 1990)

**Referrals to Defensive Driving School in  
Which a Volunteer Hearing Officer  
Has a Financial Interest**

**Issue**

May one who has a pecuniary interest in a traffic diversion school sit as a volunteer traffic hearing officer in a court referring motorists to that school?

**Answer:** No.

**Discussion**

In Opinion 88-06, the Advisory Committee previously disapproved of judges personally retaining a portion of the fee charged by private traffic schools. Similarly, neither judges, their clerks, nor anyone appointed by them to adjudicate cases should have any financial interest in a business servicing that court. The potential for abuse and the public's perception of an ability to influence the court in its adjudicative and administrative functions argue in favor of a strict application of Canon 5C(1). The committee acknowledges that the compliance section of the Code of Judicial Conduct does not specifically refer to hearing officers appointed pursuant to A.R.S. § 28-1055(B). However, such officers do perform an adjudicative function and clearly reflect upon their appointing judge who is subject to the code.

**Applicable Code Sections**

Arizona Code of Judicial Conduct, Canon 5C(1) (1985).

**Other References**

Arizona Revised Statutes, § 28-1055(B)

Arizona Judicial Ethics Advisory Committee, Opinion [88-06](#) (May 11, 1988).