

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 90-10
(December 7, 1990)

**Membership on Board of Non-profit
Mental Health Organization**

Issue

May a city magistrate serve on the board of directors of a non-profit Arizona corporation which provides mental health services to individuals and is a party to a contract with Arizona's Health Care Cost Containment System (AHCCCS)?

Answer: Yes.

Discussion

Canon 5B permits a judge to serve as a director of a civil or charitable organization not conducted for the economic or political advantage of its members with the restriction that a judge may not solicit funds for such an organization or permit the use of the prestige of his office for that purpose, nor may a judge give investment advice to such an organization.

The organization is a non-profit organization delivering a needed service for the benefit of the community, providing mental health services to members of that community. Serving on its board of directors is the very type of public service Canon 5B contemplates.

We do not believe the fact that the organization in question receives AHCCCS funds requires a different answer. If any problems arise concerning the use of such funds which result in litigation, such action would be before the superior court, not a city magistrate. There is no potential for conflict in that regard.

Applicable Code Sections

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