

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 92-17
(December 29, 1992)

**Co-sponsoring Professional Associations with
Law Enforcement Officials**

Issues

1. Is it ethically proper for judges to co-sponsor a professional association with law enforcement officials?

Answer: No.

2. Can judges belong to a professional association that allows law enforcement officials to be members?

Answer: Yes.

Facts

For many years, justices of the peace in this state have co-sponsored and supported the Arizona Justice of the Peace and Constable Association, an association that holds annual meetings, provides various educational programs for judges and constables and also engages in lobbying activities. A.R.S. § 1-215(23) defines constables as "peace officers," or, in other words, as law enforcement officers. This suggests that the association, as presently organized, is an association of judges and law enforcement officials.

Discussion

Canon 1 requires a judge to uphold the integrity and independence of the judiciary. The association of judges and law enforcement officers as sponsors of an organization which engages in lobbying activities as well as other activities, raises a question as to whether or not the integrity and independence of the judiciary may be compromised. In addition, Canon 2 states that a judge should avoid impropriety and the appearance of impropriety in all activities. Joint sponsorship of the association in question raises a concern with respect to the appearance of impropriety. There is at least an appearance that the prestige of a judge's office may be used to advance the private interests of others and that others might convey the impression they are in a special position to influence judges who are members of the association. Therefore, it is the opinion of the committee that it is improper for judges to be co-sponsors of the Arizona Justice of the Peace and Constable Association.

On the other hand, it is the opinion of the committee that it is not improper for judges and law enforcement officials to be members of associations that permit both to be members, such as the American Bar Association.

Advisory Opinion 92-17

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1 and 2 (1985).

Other References

Arizona Revised Statutes § 1-215(23)