

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 97-03
(March 13, 1997)

**Judicial Membership on a Domestic Violence Commission
Sponsored by Local Governments**

Issue

May a judge serve as a member of the City of Tucson and Pima County Domestic Violence Commission?

Answer: No.

Discussion

A domestic violence commission was created by the City of Tucson and Pima County for the express purpose of addressing and indeed reducing domestic violence. In reviewing the bylaws of the commission and the mission statements of its various committees it becomes clear that the commission is an issue oriented, agenda driven group advocating a particular position with little or no tolerance for differing views. The commission exists for the specific purpose of promoting a cause and espousing a particular point of view. It is *not* a governmental committee or commission concerned solely with the “improvement of the law, the legal system or the administration of justice” as described in Canon 4C(2).

As indicated in Opinion 96-04, this does not mean the goals or purpose of the city and county’s commission or similar organizations are improper. It simply means that a judge’s membership may raise a question as to the judge’s impartiality.

The committee is of the opinion that a judge’s membership on such a commission may give the appearance of favoritism and raise a question as to the judge’s ability to preside fairly over certain cases. As we noted in Opinion 95-02 and, more recently, in Opinion 96-04, one of the central themes of the Code of Judicial Conduct is that judges must perform their duties independently and impartially and cannot participate in any activity that might suggest the appearance of favoritism or call into question the integrity of the judiciary. *See* Canons 1A, 2A, 2B, 4A(1), 4C(4), and 4C(4)(a).

In addition, the commentary to Canon 4 recognizes that the boards of some organizations make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication. Obviously domestic violence issues come before the courts on a regular basis. As indicated earlier, membership on the commission requires members to pursue a particular legislative agenda and be actively involved in fund raising in support of the commission’s cause, as well as other activities, all of which indicate members actively support and espouse a particular point of view with respect to domestic violence issues.

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Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1A, 2A, 2B, 4A(1), 4C(2), 4C(4) and 4C(4)(a) (1993).

Other References

Arizona Judicial Ethics Advisory Committee, Opinions [95-02](#) (March 17, 1995); [96-04](#) (March 26, 1996).