

February 16, 2006

Judge David Stewart  
500 West Markham  
Little Rock, AR 72201

RE: 2006-01

Dear Judge Stewart:

Your letter states that the Arkansas District Judges Council is a 501(C)(3) non-profit corporation. The operational funds for the council are based on annual dues of the member district judges. In most instances, the dues are paid, either directly or indirectly, by the governmental entity that employs the judge.

The Arkansas Code of Judicial Conduct in Canon 5A(1)(e) prohibits a judge from making a contribution to a candidate for office. Canon 5(A)(1)(b) likewise bars a judge from publicly endorsing or opposing a candidate for political office. As a general proposition, judges are to discourage individuals who are under their control from doing what a judge cannot do. See Canon 5(a)(3)( b); Canon 3C(2).

We believe that the policy reasons that support these restrictions apply in like fashion to an organization of judges. Prohibited conduct cannot be legitimized by indirect collective activity. We conclude that the ADJC cannot make direct or indirect political contributions to candidates to the Arkansas legislature.

For the committee

Howard W. Brill