

California Judges Association  
**OPINION NO. 15**

(Originally issued: September 26, 1967)

**JUDGE ACTING AS DEAN OF A LAW SCHOOL**

**AUTHORITY:** Canons 4C(2), 4C(3)

I. Background

Judges have inquired of the Ethics Committee whether it is permissible for them to accept appointments as deans of or teachers at law schools.

II. Question

May a judge serve as a dean of or teach at a law school?

III. Answer

Yes, subject to certain limitations.

IV. Discussion

Canon 4C(2) of the California Code of Judicial Ethics provides that a judge may accept an appointment to a governmental commission, committee or other position that is concerned with the improvement of the law, the legal system, or the administration of justice (even though the judge cannot accept a governmental appointment if it is concerned with other issues of fact or policy).

Canon 4C(3)(a) provides that:

a judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law<sup>1</sup>, the legal system, or the administration of justice, provided that such position does not constitute a public office within the meaning of the California Constitution, Article VI, Section 17.

The Commentary to Canon 4C(2) of the Supreme Court Advisory Committee on Judicial Ethics, although not to be construed as a Canon or Rule, provides guidance as to the purpose and meaning of the Canon.

The Commentary to Canon 4C(2) states in pertinent part:

...service on the board of a public educational institution, other than a law school, would be prohibited under Canon 4C(2), but service on the board of a public law school or any private educational institution would generally be permitted under Canon 4C(3).

There are limitations on the permissibility of such service. For example, such service may be prohibited by Canon 2C or 4A if the law school practices invidious discrimination, or if service at the law

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<sup>1</sup> Law denotes court rules as well as statutes, constitutional provisions, and decisional law. See Canons 1 (Commentary), 2A, 2C (Commentary), 3A, 3B(2), 3B(7), 3E, 4B (Commentary), 4C, 4D(6) (a)-(b), 4F, 4H, and 5D.

school either casts reasonable doubt on the judge's capacity to act impartially as a judge, or interferes with the proper performance of judicial duties. Further, the judge cannot serve as a legal adviser to the law school, since the Judge cannot practice law (Canon 4G).

Finally, a judge may not lend the prestige of the judicial office to advance the pecuniary interest of others. Canon 2B(2). Therefore, if the nature and extent of service at the proprietary law school is such that the law school might be seeking to use the name of the judge for its own business advantage, a judge should not lend his or her name to such an effort, whether for compensation or not. For example, if a judge is told he or she can spend as much or as little time as he or she desires performing duties for the law school, it is suggested, one could argue, that the law school might be seeking to use the name of the judge for its own business advantage without expecting actual work to be performed by the judge.

This opinion is advisory only. The Committee acts on specific inquiries submitted, and its opinion is based on facts as set forth in the submitted inquiries.

COMMITTEE ON JUDICIAL ETHICS

September 26, 1967