

Maryland Judicial Ethics Committee

Opinion Request Number: 1971-06

Date of Issue: February 1, 1972

Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judge May Serve as Paid Corporate Director of Newspaper Publisher with Restrictions

The Judicial Ethics Committee of the Maryland Judicial Conference has received and carefully reviewed your letter of December 22, 1971, asking certain questions with regard to the propriety, under the Maryland Canons of Judicial Ethics and the Rules of Judicial Ethics, of your relationship with the X Company, the corporate publisher of daily and Sunday newspapers of general circulation in _____, Maryland.

Specifically, you ask,

1. May you continue as a director of the company, a position you have held for many years, and continue to receive director's fees of \$3,000 per year?
2. May you continue as a member of the Executive Committee of the Board?

The Ethics Committee concludes that both questions should be answered in the affirmative, subject in each instance to the understanding stated in your letter that you will not participate in the formulation of editorial policy, and further subject to the considerations and caveats discussed below.

Rule 6 of the Rules of Judicial Ethics prohibits a full-time judge from holding an office or directorship in a number of specified classes of business enterprises, not including a newspaper, and in any other enterprise or venture which is affected with a public interest. We are satisfied that the intent of this portion of the rule is to limit its application to those businesses specifically named and any others sufficiently affected with a public interest to be the subject of government regulation and the concluding phrase would cover any others in the same category that the drafters of the language might have overlooked.

Since the business of operating and publishing a newspaper is not the subject of government regulation it does not fall within the express prohibition of Rule 6.

The Committee is further of the view that reasonable compensation for services rendered as a director and member of the Executive Committee may be paid you, but we do not wish this statement to be interpreted as a ruling that \$3,000 or any other specific sum is or is not reasonable. Such a finding is not within the responsibilities of this Committee.

Finally, we would like specifically to call your attention to Canon XXIV and the second sentence of Rule 6. The former sets forth a general standard, in part as follows,

“... nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.”

Rule 6 contains a specific prohibition within the above general standard not only against holding an office or directorship in any business enterprise affected with a public interest, but also, against such holding in any other business if the holding thereof would interfere with the performance of judicial duties or create conflict or exploit the prestige of judicial office. These are qualified prohibitions, but, nonetheless effective, and we suggest that they be given your careful attention

Maryland Judicial Ethics Committee

Opinion Request Number: 1971-06

Date of Issue: February 1, 1972

Published Opinion Unpublished Opinion Unpublished Letter of Advice
Page 2 of 2

should you elect to continue as a director and member of the Executive Committee of the company in question.