

*NEW YORK STATE BAR ASSOCIATION*  
*Professional Ethics Committee Opinions*

Opinion #197 - 9/30/71 (31-71)

Topic: Non-lawyer Town Justice; Candidacy for other Elective Office

Digest: A Non-lawyer Justice of the Peace may not seek other elective office without first resigning as Justice of Peace

Canons of Judicial Ethics: 30

QUESTION

May a non-lawyer Town Justice accept a political nomination and actively campaign for a non-judicial elective office without first resigning from his judicial office?

OPINION

Canon 30 of the Canons of Judicial Ethics provides:

"While holding a judicial position, he should not become an active candidate either at a party primary or at a general election for any office other than a judicial office".

This Committee in 1966 reviewed Canon 30 and its application to incumbents of part-time judicial offices who might wish to run for a political non-judicial office and concluded that it would recommend no modification of the Canon, N. Y. State 30 (1966). We find no reason to modify our former opinion. See, ABA 193 (1939).

Accordingly, a non-lawyer Town Justice may not accept the nomination and actively campaign for an elective non-judicial office without first resigning from his judicial office.