



## Committee on Professional Ethics

Opinion #276 -- 12/14/72 (60-72)      Topic: Town Justice running for non-judicial office.

   Digest: Town Justice must resign when running for a non-judicial office.

Code of Judicial Conduct: Canon 7(A) (3)

### QUESTION

Must a non-lawyer town justice resign the position as town justice when he runs for non-judicial office?

### OPINION

Canon 7(A) (3) of the Code of Judicial Conduct, provides in pertinent part:

"A judge should resign from his office when he becomes a candidate either in party primary or in a general election for a non-judicial office. . ."

Accordingly, a Town Justice whether a lawyer or a non-lawyer must resign from his office when he becomes a candidate for non-judicial office. Opinions under old Canon 30 of the Canons of Judicial Ethics reached the same conclusion. N.Y. State 197 (1971); N.Y. State 30 (1966); ABA 193 (1939).

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