



# Indiana Judicial Nominating Commission Indiana Commission on Judicial Qualifications

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## ADVISORY OPINION

Code of Judicial Conduct  
Canon 7

#4-90

The Indiana Commission on Judicial Qualifications issues the following Advisory opinion concerning the Code of Judicial Conduct. The views of the Commission are not necessarily those of a majority of the Indiana Supreme Court, the ultimate arbiter of judicial disciplinary issues. Compliance with an opinion of the Commission will be considered by it to be a good faith effort to comply with the Code of Judicial Conduct. The Commission may withdraw any opinion.

### ISSUE

The issue is whether the Commission's Advisory Opinion #1-90 should be interpreted as advising judges to prohibit their referees, magistrates, commissioners, special masters, or other employees performing judicial functions from becoming candidates for judicial positions.

### ANALYSIS

In addressing political activities by court employees while off duty, the Commission wrote in Advisory Opinion #1-90, "[A] judge may permit employees to lawfully participate in the partisan political process, except that a judge's employee may not be a candidate for partisan elective office." Several judges have inquired as to the applicability of this advice to their employees who perform judicial functions and who have declared candidacy for judicial positions.

While quasi-judicial employees of a judge are subject to the judge's direction and control, they are vastly unlike the other employees in that they are considered judges for purposes of the Code. See, "Compliance with the Code of Judicial Conduct", Indiana Rules of Court, 1990, p. 674. Obviously, Canon 7 contemplates that judges will be candidates for judicial offices. Thus, quasi-judicial employees who are personally bound by the Code may become candidates for judicial positions. In fact, all their political activities are governed by Canon 7.

## CONCLUSION

A magistrate, referee, commissioner, master, or any employee of a judge who performs judicial functions may be a candidate for a judicial position.