

April 2, 2007

Honorable James O. Cox
Circuit Judge - Division 1, Twelfth Judicial District
Sebastian County Courthouse
35 South 6th St.
Fort Smith, Arkansas 72901

Advisory Opinion 2007-01

Dear Judge Cox:

You have asked whether you can serve on the Board of Visitors for the University of Arkansas at Fort Smith. The Board of Visitors is an advisory body, appointed by the Board of Trustees for the Universities of Arkansas system; the board does not make policy. Its tasks are to communicate the needs of the community to the Chancellor, to advise the Chancellor, to act as ambassadors of good will for the University, and to serve in ceremonial occasions.

Canon 4(C)(2) of the Arkansas Code of Judicial Conduct says that a judge “shall not accept appointments to a governmental committee or other governmental position that is concerned with issues of fact or policy,” with the exception of matters of law or the judicial system. However, Canon 4(C)(3) permits a judge to serve as a trustee or advisor of an educational organization not conducted for profit.

Although the University of Arkansas at Fort Smith is a public institution, we believe that the role of a member of the Board of Visitors is “more educational than governmental.” For the reasons set forth in our Advisory Opinions 95-03 and 2001-01, we believe that Canon 4(C)(3) is the controlling provision. Therefore, in our opinion you may serve on the Board of Visitors of the University of Arkansas at Fort Smith.

Sincerely,

Howard W. Brill
For the committee