



JUDICIAL STANDARDS COMMISSION  
STATE OF NORTH CAROLINA

**FORMAL ADVISORY OPINION: 2010-06**

July 9, 2010

**QUESTION:**

May a judge serve on the board of trustees of a not-for-profit hospital?

**COMMISSION CONCLUSION:**

The Judicial Standards Commission concluded that the North Carolina Code of Judicial Conduct does not allow a judge to serve as an officer, director, trustee or non-legal advisor of a hospital.

**DISCUSSION:**

The provisions of the Code of Judicial Conduct implicated by this inquiry are:

Canon 2A requires a judge to conduct himself/herself in a such a manner as to promote public confidence in the impartiality of the judiciary (Canon 2A).

Canon 5C(2) prohibits a judge from serving as an officer, director or manager of any business.

Canon 5B of the Code of Judicial Conduct allows a judge to participate in civic and charitable activities provided the activities do not call the judge's impartiality into question nor interfere with the performance of the judge's judicial duties. As part of these activities a "judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization subject to certain restrictions. Such service is not allowed if the organization is likely to be involved in legal proceedings that would usually come before the judge (Canon 5B(1)). A judge cannot actively assist the organization with fund-raising (Canon 5B(2)).

The Commission reasoned that a hospital, regardless of its tax status, is essentially a business. The activities associated with the operation of a hospital customarily involve the corporate entity, its administration, employees, staff and the physicians authorized to practice within its facilities, in legal proceedings. These proceedings, which range from payment collection actions appealed from small claims court to large medical malpractice suits, ordinarily come before district, superior and appellate court justices and judges. A judge's service as an officer, director, trustee or non-legal advisor of a hospital reasonably calls a judge's impartiality into question when matters involving the hospital come before the judge.

References:

North Carolina Code of Judicial Conduct  
Canon 2A  
Canon 5B(1) & (2)  
Canon 5C(2)