

Nebraska Ethics Advisory Opinion 98-2

Question Presented--

May a clerk magistrate serve on the board of directors of a bank?

Conclusion

No, unless the bank is (a) a business closely held by the judge or members of the judge's family or (b) a business entity primarily engaged in investments of the financial resources of the judge or members of the judge's family.

Applicable Code Sections

Neb. Code of Jud. Cond., Canon 4D(3)

References in Addition to Nebraska Code of Judicial Conduct

Nebraska Ethics Advisory Opinion 89-4

Discussion

The Nebraska Code of Judicial Conduct applies to clerk magistrates.

Canon 4D(3) states:

A judge shall not serve as an officer, director, manager, general partner, advisor or employee of any business entity except that a judge may, subject to the requirements of this Code, manage and participate in:

- (a) a business closely held by the judge or members of the judge's family, or
- (b) a business entity primarily engaged in investments of the financial resources of the judge or members of the judge's family.

In addition, this committee has previously addressed this issue in Nebraska Advisory Opinion 89-4, and the holding of that opinion needs no further clarification.

Unless the financial institution falls within the exception set forth above, membership on the board of directors of a bank is prohibited.

Disclaimer

This opinion is advisory only and is based on the specific facts and questions submitted by the person or organization requesting the opinion pursuant to appendix A of the Nebraska Code of Judicial Conduct. Questions concerning ethical matters for judges should be directed to the Ethics Advisory Committee.

APPROVED AND ADOPTED
BY THE COMMITTEE ON MARCH 4, 1998

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