



# TEXAS ETHICS COMMISSION



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## ETHICS ADVISORY OPINION NO. 245

*February 24, 1995*

*Whether a judge or a judicial candidate may use political contributions to pay state bar dues. (AOR-270)*

The Texas Ethics Commission has been asked to consider whether a judge or judicial candidate may use political contributions to pay state bar dues. A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. Elec. Code § 253.035. "Personal use," for purposes of that provision, means a use that primarily furthers individual or family purposes *not connected with the performance of duties or activities as a candidate for or holder of a public office.*" *Id.* subsec. (d) (emphasis added).

The Texas Constitution requires that Texas Supreme Court justices, judges on the Texas Court of Criminal Appeals, justices of the courts of appeals, and district court judges be licensed to practice law in Texas. *See* Tex. Const. art. V, §§ 2, 4, 6, 7. Judges of statutory county courts are also required to be licensed to practice law in Texas. Gov't Code § 25.0014. Attorneys licensed to practice law in Texas must be members of the state bar and must pay state bar membership dues. *Id.* §§ 81.051 - 81.054, 81.102; *id.* tit 2, subtit. G App. A, art. III, §§ 2, 3 (State Bar Rules regarding membership and fees).

For judges required to be licensed to practice law in Texas, the payment of state bar dues is a purpose connected with the duties or activities of a judicial candidate or officeholder. Consequently, such judicial candidates and officeholders may use political contributions to pay state bar dues without violating Election Code section 253.035, the "personal use" prohibition.

### SUMMARY

Judges and judicial candidates may use political contributions to pay state bar dues if the judicial office they hold or seek requires them to be licensed to practice law in Texas.