



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 279

October 13, 1995

Whether a senior judge may use political funds to pay for continuing legal education. (AOR-313)

The Texas Ethics Commission has been asked whether a senior judge may use surplus political contributions to pay for continuing legal education courses. A senior judge is a retired judge who elects to be a judicial officer subject to assignment. *See* Gov't Code § 75.001.

Title 15 of the Election Code restricts the purposes for which political contributions may be spent. "A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use." Elec. Code § 253.035(a). A "personal use" is one "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).

Although a senior judge no longer stands for election, a senior judge continues to hold a public office. *See* Attorney General Opinion H-526 (1975) (senior judge sitting by assignment continues to serve as a judicial officer, and so must file personal financial statement required by former article 6252-9b, V.T.C.S., now chapter 572, Texas Government Code). A senior judge is required to fulfill continuing legal education requirements in order to be eligible for assignment. Gov't Code § 74.055(c)(5). Therefore, payment for continuing legal education courses is connected with a senior judge's duties as a holder of public office, and may be made from the judge's surplus political contributions.¹ *See generally* [Ethics Advisory Opinion No. 245](#) (1995) (judge may use political contributions to pay bar dues.)

SUMMARY

A senior judge may use surplus political funds to pay for continuing legal education courses.

¹ The Election Code provides that the provisions of title 15 applicable to "officeholders" apply "only to a person who holds an elective public office and to the secretary of state." Elec. Code § 251.002. Therefore, only an "officeholder" within this meaning may accept officeholder contributions under title 15. In contrast, the personal use provision allows the use of political funds to pay for costs connected to the activities and duties of a "holder of public office"--a term that includes senior judges. *Cf.* [Ethics Advisory Opinion No. 196](#) (1994) (person appointed by judge to perform duties of district attorney does not "hold" office for purposes of Election Code section 255.006, relating to misleading use of office title).