



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 291

December 15, 1995

Whether a former judge sitting by assignment may use unexpended political contributions to pay for required continuing legal education courses. (AOR-325)

The Texas Ethics Commission has been asked whether a former judge sitting by assignment may use unexpended political contributions to pay for required continuing legal education courses. In Ethics Advisory Opinion No. 279 (1995), we determined that a senior judge could use unexpended political contributions for this purpose, because such a use was connected with duties and activities as a holder of a public office. Although a senior judge is not an officeholder for purposes of title 15 of the Election Code, a senior judge "continues to hold a public office." [Ethics Advisory Opinion No. 279](#) at 1 (*citing* Attorney General Opinion H-526 (1975)). Like senior judges, former judges sitting by assignment have all the powers of active judges when sitting by assignment, are required to take continuing legal education courses to be eligible for assignment by the presiding judge of an administrative region, and file personal financial statements as state officers. Gov't Code §§ 74.059, 74.055.¹ We therefore conclude that a former judge sitting by assignment may use unexpended political contributions to pay for required continuing legal education courses.

SUMMARY

A former judge sitting by assignment may use unexpended political contributions to pay for required continuing legal education courses.

¹ A senior judge is a retiree under subtitle D or E of Government Code title 8 who has elected to be a judicial officer. Gov't Code § 75.001. Although chapter 75 does not contain analogous language stating that a former judge is a judicial officer, a former judge clearly performs the duties of a public officer.