



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 536

*April 8, 2016*

*Whether a judicial officeholder may use political contributions to pay reasonable and necessary travel expenses to teach at a legal conference. (AOR-608)*

The Texas Ethics Commission (“commission”) has been asked whether a judicial officeholder may use political contributions to pay travel expenses to teach at a legal conference.

### Conference

The requestor of this opinion states that the judge has been invited by a nongovernmental, nonprofit organization to teach at a legal conference in an underdeveloped country in Africa. The organization was founded by Africans in Africa and has organized similar conferences throughout the continent for over twenty years. The organization works with attorneys and other leaders from the communities in which the conferences occur to develop and present a program that promotes ethical leadership and equips the leaders to transform the communities through effective dispute resolution and relationship reconciliation programs.

The conference will be held over a five-day period. The judge does not plan to be in Africa any longer than the term of the conference, except for one or two days at either end of the conference for transportation purposes. The judge’s attendance at the conference is not a vacation, safari, or frivolous excursion, and the judge would travel to the conference to work. The conference is aimed at assisting local attorneys in identifying barriers to justice and developing plans and procedures for overcoming those barriers. The judge was invited because the organization believes that having a Texas state judge of the judge’s stature on the faculty will have an extremely positive impact on the attorneys, the conference, and the entire community.

The judge views the conference as a tremendous educational opportunity for him and for the overseas attorneys. The judge believes his interactions with local attorneys will broaden his perspectives on the rule of law and the role of the judicial system in promoting social justice and stability, and thereby make him a better, more thoughtful judge with a more developed perspective on the disputes that appear on his docket. The judge expects to learn how to better increase public trust and confidence in the legal system in the United States as well as Africa. The judge also believes the experience will make him a better candidate for office because he expects his ability to communicate what a judge actually does will be vastly improved.

The requestor states that the organization receives financial support from various sources, but its resources are insufficient to pay for its faculty travel expenses. The judge would like to use political contributions to pay for his reasonable and necessary travel expenses to attend the conference and asks whether such a use would be a “personal use.”

### Personal Use of Political Contributions

A candidate for or holder of a judicial office may not convert political contributions to personal use. Elec. Code § 253.035(a). “Personal use” 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.* § 253.035(d). “Personal use” does not include “payments made to defray ordinary and necessary expenses incurred in

connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder.” *Id.* § 253.035(d)(1). Whether any particular activity is connected with the performance of duties or activities as an officeholder is a fact question. Ethics Advisory Opinion No. 247 (1995).

In a previous opinion, we stated that it would not be a personal use for a judicial officeholder to use political contributions to attend a legal seminar that is connected to the judge’s performance of official duties. Ethics Advisory Opinion No. 267 (1995). *See also* Ethics Advisory Opinion Nos. 279 (1995) (a senior judge may use political contributions for continuing legal education courses), 247 (1995) (a judge may use political contributions to pay a person to assist the judge in the preparation of a thesis required for a Masters of Law in the Judicial Process). In our opinion, a judge’s attendance to teach at the conference described in this request would be connected to the judge’s performance of official duties or activities. Therefore, based on the requestor’s facts, a judge may use political contributions to pay for the judge’s reasonable and necessary travel expenses to teach at the conference.<sup>1</sup>

### SUMMARY

A judicial officeholder may use political contributions to pay reasonable and necessary travel expenses to teach at the legal conference described in this request.

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<sup>1</sup> We note that a candidate or officeholder may not use political contributions to pay for family recreation or entertainment. Ethics Advisory Opinion No. 405 (1998). The requestor’s facts indicate the judge would not participate in such activities.