

# Part-time Judges



The Judicial Qualifications  
Commission of Georgia

PRESENTED BY

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# Part-time Judges

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## CJC Application Section A:

- A part-time judge is a person selected to serve as a judge on a periodic or continuing basis, but is permitted by law to devote time to another profession or occupation, including the private practice of law
- A part-time judge shall not:
  - Practice law in the court on which they serve
  - Act as lawyers in proceedings for which they have served as judges
  - Practice law in any court over which the court they serve as a part-time judge exercises appellate review



# Part-time Judges

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## **CJC Commentary to Application Section A:**

- Part-time lawyer judges of Municipal Courts, Magistrate Courts, Probate Courts, or Juvenile Courts perform no appellate review, and therefore can practice law in any court other than their own



# Judges Pro Tempore

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## CJC Application Section B:

- A judge pro tempore is a person, usually a practicing attorney, who is not otherwise a part-time judge, who is appointed to serve during a calendar year for a specific case or trial calendar
- A judge pro tempore serves temporarily rather than on a periodic or continuing basis
- A judge pro tempore shall not:
  - Act as a lawyer in a proceeding in which they have served as a judge pro tempore or in other proceedings related thereto



# Frequent Issues

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## CJC Rule 1.3

- Judges shall not lend the prestige of their office to advance the private interests of the judge or others
  - “Judges should distinguish between proper and improper use of the prestige of office in all of their activities” Commentary [1] to Rule 1.3
- Examples of conduct which may violate Rule 1.3:
  - Lawyer-judges Invoking judicial status when asking for favors/deals from opposing counsel
  - Improperly invoking judicial status in advertisements for the lawyer-judge’s law practice



# Frequent Issues

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## **CJC Rule 2.1**

- The judicial duties of judges take precedence over all other activities. Judicial duties include all the duties of their offices prescribed by law
- Examples of conduct which may violate Rule 2.1:
  - Lawyer-judge prioritizing his private practice cases, causing him to frequently be late to court as Judge

## **CJC Rule 3.5**

- Judges shall not disclose or use, for any purpose unrelated to judicial duties, non-public information acquired in a judicial capacity



# Helpful JQC Formal Advisory Opinions

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## **FAO No. 240 (2013)**

- A part-time Juvenile Court judge, who is permitted to practice law in courts other than his own, also sits by designation on a periodic basis as a Superior Court judge in his circuit hearing custody cases. The Juvenile Court judge is not permitted to practice law in the Superior Court within the circuit where he sits by designation

## **FAO No. 236 (2007)**

- A part-time Magistrate Court judge, who also practices law, may not represent a litigant in a de novo appeal to Superior Court of a case that was originally tried in the judge's Magistrate Court, regardless of whether he served as the judge in the Magistrate Court proceeding



# Helpful JQC Formal Advisory Opinions

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## **FAO No. 187 (1993)**

- A part-time Juvenile Court judge, who also practices law, should disqualify in cases where an associate from the judge's law firm is prosecuting cases on behalf of DFCS

## **FAO No. 101 (1987)**

- A part-time Magistrate Court judge cannot also serve as an employee of a law enforcement body





# Can I?

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**Also serve as a part-time Assistant District Attorney or part-time Assistant Solicitor?**

- **No.** *See* FAO Nos. 137 and 154 (Part-time judge should not simultaneously serve as an Assistant District Attorney)
- **No.** *See* FAO No. 181 (No judge should simultaneously serve as a prosecuting attorney of any kind – solicitor, district attorney, assistant, or otherwise – in any court due to the appearance of impropriety)

# REVIEW QUESTIONS

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May a part-time judge practice law in the court on which they serve?

May a part-time judge also serve as a part-time prosecutor?

May a part-time judge also serve as an employee of a law enforcement agency?

May a judge pro tempore act as a lawyer in a proceeding in which they served as judge?

May a part-time judge practice law in an inferior court over which their own court conducts appellate review?

# ANSWER FOR ALL REVIEW QUESTIONS

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**NO!**