

June 8, 2004

Honorable John Homer Wright  
Circuit Judge-Division One  
18<sup>th</sup> Judicial Circuit-East  
501 Quachita Ave., Suite 301  
Hot Springs, Arkansas 71901

**Advisory Opinion 04-2005**

Dear Judge Wright:

You have asked this committee whether you can serve as a trustee of a life insurance trust. The trust has been established by a long-time friend; you would serve without compensation; your role would be limited to overseeing compliance with statutes and regulations; you would not be giving investment advice; counsel for the trust would handle all legal matters.

The Arkansas Code of Judicial Conduct is clear and unambiguous: "A judge shall not serve as...trustee..., except for the estate, trust or person of the judge's family..." Canon 4(E)(1). The Code does not allow exceptions regardless of what may appear to be appropriate circumstances.

The task of this committee is to interpret and apply the Code as adopted by the Supreme Court. We have previously stated that we have no authority to rewrite the Code or to temporarily suspend its operation. (Advisory Opinion 2001-05). Likewise, we lack any basis or power to grant any waivers from the prohibitions of the Code. In our opinion you cannot serve as trustee.

Sincerely,

Howard W. Brill  
For the committee