

September 6, 2000
OPINION NO. 00-295

Honorable Rodney Arbuckle
Sheriff, DeSoto Parish
DeSoto Parish Sheriff's Office
205 Franklin Street
Mansfield, Louisiana 71052

Dear Sheriff Arbuckle:

Your request for an Attorney General's opinion has been forwarded to me for research and reply. Specifically, you ask:

Is it lawful for a Justice of the Peace to hold a commission as a reserve deputy sheriff?

This issue was previously addressed by this office and by the Louisiana Judiciary Commission in Attorney General Opinion No. 96-356, which is attached for your review. In this opinion, correspondence from the Office of Special Counsel to the Judiciary Commission notified the Attorney General's office that a Justice of the Peace is governed by the Code of Judicial Conduct and that allowing a Justice of the Peace to be employed by a district attorney's or a sheriff's office is violative of the Code of Judicial Conduct.

The letter further stated that if a Justice of the Peace were to simultaneously serve as a deputy sheriff, he or she may be placed at risk before the Judiciary Commission and the Louisiana Supreme Court since this dual service raises the appearance of impropriety and of a lack of impartiality.

Therefore, it is the opinion of this office that a deputy sheriff may not also serve as a Justice of the Peace. If you should need further clarification of the position of the Judiciary Commission, the Office of Special Counsel can be contacted at 601 St. Charles Avenue, New Orleans, Louisiana 70130, (504) 568-8299.

Honorable Rodney Arbuckle, Sheriff

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We trust this sufficiently answers your question; however, if you should need anything further do not hesitate to contact this office.

Very truly yours,

**RICHARD P. IEYOUB
ATTORNEY GENERAL**

**BY: _____
FRANCES J. PITMAN
ASSISTANT ATTORNEY GENERAL**

RPI/FJP/sc

Attachment

a:\00-295.op

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57 - JUSTICES OF THE PEACE

Louisiana Code of Judicial Conduct
Canons 1, 2, 5

A deputy sheriff may not also serve as a Justice of the Peace since this dual service raises the appearance of impropriety and impartiality in violation of the Code of Judicial Conduct.

Honorable Rodney Arbuckle
Sheriff, DeSoto Parish
DeSoto Parish Sheriff's Office
205 Franklin Street
Mansfield, Louisiana 71052

DATE RECEIVED: 07-24-00BR DATE RECEIVED: AUGUST 01, 00SH
DATE RELEASED: September 6, 2000

FRANCES J. PITMAN
ASSISTANT ATTORNEY GENERAL