

**JPC 1992-1**  
January 9, 1992

You have sought an opinion of the Judicial Proprieties Committee concerning the request of the Governor that you serve as a member of the Delaware 2000 Forum (the Forum). The Committee has reviewed your letters to me of October 31, 1991 and November 7, 1991, and concludes, subject to the cautions of Canons 4 and 5B, that you may serve as a member of the Forum.

As outlined in your November 7 letter we understand that the Delaware 2000 Forum is intended to be a body of approximately 50 people from all three counties who will meet every three or four months to share information about educational reform efforts in the various school districts of the State. Its members will include, among others, the Lt. Governor, community and civic leaders, representatives of the PTA, DSEA, DPI, State Board of Education, Higher Education Commission, National Science Foundation Commission, State School Board Association, the Business/Public Education Council, and Department of Labor, as well as teachers, school administrators, and state legislators. The Forum's only mission is to serve as a meeting place for its members to share information about the State's progress and setbacks along the path to achieving the Delaware 2000 educational objectives.

We further understand from you that the Forum is not intended to be either a steering or an oversight committee. It will have no decision-making authority or responsibility. Nor will it have any implementation responsibilities. You do not anticipate that the Forum will advocate positions or recommend policies. It will not have any authoritative role in the area of policy-making. Furthermore, it is not anticipated that the Forum as a whole will make recommendations to the Executive or Legislative branches of government. Finally, the Forum as a group is not intended to take public positions on issues or endorse particular policy initiatives.

Based upon the foregoing, the Committee unanimously concludes that you may with propriety serve as a member of the Forum. In our opinion it appears that you merely are participating as a parent and citizen in discourse about the state of our educational system and ways to improve it. While your service on the Forum could implicate Canons 4 and 5B, we believe that the foregoing description of the activities of the Forum will not involve you, as a member of the Judiciary, in the proscribed activities of those two Canons.

Notwithstanding the foregoing, the Committee observes from its own experience that matters associated with public education can become extremely controversial. However, we believe that the observation in your October 31, 1991 letter, that if the mission of the Forum should change from one of oversight and comment to one of active political formulation, your immediate resignation from the Forum would be appropriate.

Andrew G.T. Moore, II, Justice, Chairman  
Chancellor William T. Allen  
Judge Vincent A. Bifferato  
Judge Clarence W. Taylor  
Judge Robert W. Wakefield  
Judge Paul E. Ellis  
Judge Alfred Fraczkowski