

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge and the judge's spouse may host one of a series of fund-raising dinners for a charitable organization and, if so, whether it is permissible to use the judge's title on the invitation. You state that the organization will select the invitees and send the invitations, and that the judge will have no part in selecting the invitees.

As you recognize in your inquiry, this matter is governed primarily by Canon 5B(2). Canon 5B provides as follows, in pertinent part:

A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal or civic organization or institution not conducted for the economic or political advantage of its members, subject to the following limitations: ...

- (2) It is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution.

This canon does not absolutely prohibit a judge from involvement in charitable fund-raising activities. However, it recognizes the danger of the prestige of the judicial office being used in fund solicitation. Therefore, should a judge enter into such activities, he must be ever mindful of the high standards of conduct required by Canons 1 and 2, and limit his activities so that he does not lend the prestige of his judicial office to the event. See Advisory Opinions 83-174 and 85-242.

It is the opinion of the Commission that a judge is discouraged under the Canons from holding the fund-raising dinner in his home as described but that this is not absolutely prohibited. However, the judge should not be listed as a judge in the invitation to the event since this would permit the use of the prestige of his office for the purpose of fund solicitation. See Advisory Opinion 84-216 (a judge should not permit the use of his title as judge in the inclusion of his name on stationery used to solicit funds for an educational foundation that provides scholarships). Further, the judge must be ever mindful of the high standards of conduct required by Canons 1 and 2, and also take care not to otherwise use or permit the use of the prestige of his office in the solicitation of funds.