

## JUDICIAL INQUIRY COMMISSION

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ADVISORY OPINION 00-747

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### CO-HOSTING MEETING FOR CIVIC OR CHARITABLE ORGANIZATION

#### ISSUE

May a judge co-host an informative presentation concerning the Women's Fund, a new component of the Community Foundation of Greater Birmingham? **Answer:** Yes, so long as the judge's participation does not reflect adversely upon her impartiality or interfere with the performance of her judicial duties.

#### FACTS

A judge has been asked to co-host an informative presentation introducing the Women's Fund to her community. The Women's Fund is a new component to the Community Fund of Greater Birmingham. The Community Fund is similar to United Way. It is an umbrella organization that raises and distributes money to other civic and charitable organizations. The Women's Fund is intended to address currently unmet women's needs. There will be no direct solicitation of funds during the meeting and no brochures which solicit funds will be distributed. However, if a question is asked during the presentation regarding how the Women's Fund obtains and distributes contributions, the question will be answered. As a co-host, the judge would be asked to attend the meeting and to provide names for the invitation list.

#### DISCUSSION

Canon 5B provides that 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." Thus, the judge may not serve as a co-host of the Women's Fund presentation if this would reflect adversely on her impartiality or interfere with the performance of her judicial duties.

Canon 5B(2) also is relevant to the question presented. Canon 5B(2) provides:

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.

As the Commission has previously stated, Canon 5B(2) strongly discourages but does not absolutely prohibit participation in fund raising for civic and charitable organizations. *See, e. g.*, Advisory Opinions 83-174 and 96-596. Participation in fund raising presents a danger that the prestige of the judicial office will be used for the solicitation of funds. Advisory Opinions 81-101 and 96-596. It also involves a danger that the person solicited will feel obligated to respond favorably if the judge is in a position of influence or control. Commentary to the Model Code of Judicial Conduct, Canon 4C(3)(b) (1990). A judge who participates in fund raising for a civic or charitable organization must be ever mindful of the provisions of Canons 1 and 2, and must limit such participation so that he or she does not lend the prestige of his or her judicial office to the event or otherwise violate either the letter or the spirit of Canons 1 and 2.

Advisory Opinions 83-174, 83-179, 85-242, and 96-596.

In Advisory Opinion 93-492, the Commission decided the Alabama Canons of Judicial Ethics permitted a judge to speak on behalf of the need for a Big Brothers/Big Sisters organization even though a portion of the same program would involve direct solicitation by other speakers of financial contributions for that organization. However, the Commission advised that a judge should not appear in his judicial robe in making such a presentation.

#### **REFERENCES**

Alabama Advisory Opinions 81-101, 83-174, 83-179, 85-242, 93-492, 96-596.

Alabama Canons of Judicial Ethics, Canons 1, 2, 5B, and 5B(2).

Commentary, Model Code of Judicial Conduct, Canon 4C(3)(b) (1990).

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This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; e-mail: [jic@alalinc.net](mailto:jic@alalinc.net).