

## JUDICIAL INQUIRY COMMISSION

DATE ISSUED: JUNE 2, 2000

ADVISORY OPINION 00-753

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### WRITING A LETTER OF ENDORSEMENT FOR USE OF CHARITABLE ORGANIZATION IN FUND SOLICITATION; OTHER FUND RAISING FOR THE ORGANIZATION

#### ISSUE

- I. May a judge write a letter endorsing a particular charitable organization that the organization will use to support grant applications, major gift proposals, and other funding documents?
- II. May a judge otherwise solicit financial support for the organization?

**Answer:** Under the Canons of Judicial Ethics, a judge is discouraged but not absolutely prohibited from participating in fund raising for charitable organizations. However, a judge must limit such participation so that he does not lend the prestige of his judicial office to fund solicitation or otherwise violate Canon 1 or Canon 2. A judge may not use his judicial title or official letterhead stationery for the purpose of fund raising for a civic or charitable organization.

#### FACTS

A Circuit Judge has been asked to provide a "To Whom It May Concern" letter endorsing Alabama Baptist Children's Homes and Family Ministries. The judge serves on the Board of Trustees for this organization. The letter might be on personal or business letterhead and would be used by the organization in support of grant applications, major gift proposals, and other funding documents. It would state why the judge

believes support for the organization's ministry is important. A suggested letter provided to the judge by the organization mentions his role as a judge in connection with his strong sense of responsibility in making proper decisions that affect children, endorses the organization's services as surrogate parents, and states that the judge is pleased to be part of an "organization that recognizes that each child is unique and strives to treat each child as an individual who is entrusted to them by the courts."

The judge also inquires whether he may otherwise solicit financial support for the Children's Homes.

#### DISCUSSION

The issues presented are governed primarily by Canon 5B of the Alabama Canons of Judicial Ethics. Canon 5B states 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," and that a judge may serve as an officer, director, trustee, or nonlegal advisor of a religious, charitable, or other civic organization subject to certain limitations, including the following:

- (1) A judge should not serve if it is likely that the organization or institution will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.
- (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.

(3) A judge should not give investment advice to such an organization or institution, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

The Commission most recently wrote about participation in fund raising in Advisory Opinion 00-747:

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 84-216, the Commission held that a judge should not permit his name to be listed along with the title “Judge” on stationery of an educational foundation that he knew would be used for the purpose of soliciting funds because to do so would “permit the use of the prestige of his office for the purpose of soliciting funds.” Similarly, in Advisory Opinion 96-596, the Commission advised a judge that his name should not be listed as a judge in an invitation to a fund-raising dinner that would be held in the judge’s home since this would permit the use of his office for the purpose of fund solicitation; earlier in the opinion, the Commission advised that the judge was discouraged under the canons from holding the dinner in his home, but not absolutely prohibited from doing so.

The proposed letter submitted with the judge’s request for an advisory opinion not only uses the judge’s official title, it emphasizes his official position in endorsing the organization’s fund-raising efforts. While the canons do not absolutely prohibit the judge from engaging in fund raising for the organization in question, the Commission is of the opinion that the judge may not use his judicial position in any such activities. Thus, the judge may not provide a letter of endorsement that will be used for fund raising that is written on his official letterhead, nor may he otherwise use his title or position in fund raising. Also, the judge must take care that any fund raising activities in which he engages do not otherwise violate Canon 1 or Canon 2.

**REFERENCES**

Alabama Advisory Opinions 84-216, 96-596,  
and 00-747.

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

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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).