

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: March 9, 2007

ADVISORY OPINION 07-878

A JUDGE'S DIRECT SOLICITATION BY LETTER FOR DONATIONS FOR SUPPLIES FOR HIS PROPOSED "LITTER SQUAD" IS PROHIBITED

ISSUE

May a circuit judge assigned to the criminal division of the circuit court sign and send, to local businesses, a letter on judicial letterhead stationary directly soliciting start-up supplies to establish a "litter squad" as an alternative punishment to incarceration? **Answer:** No.

FACTS

A circuit judge, assigned to the criminal division, wants to establish a "litter squad" as an alternative punishment to divert selected convicted felons from incarceration. Because the court system has no funds to purchase the necessary supplies for the convicts to safely participate in such program, the judge proposes sending a letter, over his signature and on judicial letterhead stationary, to selected businesses for donations of the supplies. In the letter, the judge directs the addressee/prospective sponsor to contact his office if interested and thanks the addressee for his/her cooperation.

DISCUSSION

Although, pursuant to Canon 4, a judge may engage in activities to improve the law, the legal system, and the administration of justice, he should not directly solicit donations for a proposed alternative sentencing program. See Alabama Advisory Opinions 97-682 (to minimize the risk of conflict with his duties, a judge may not solicit or procure in-kind donations of computer hardware, software, and training for testing new technology for use in the courtroom and in case management); 82-166 (a

judge, as founder and director of a juvenile detention facility, should not accept an unsolicited donation to the facility's building fund because such acceptance would create an unnecessary risk that the prestige of his office would be used, albeit indirectly, for such solicitation or fund-raising); 04-846 (a judge is disqualified, pursuant to the general provision of Canon 3C(1), to hear a case where one of the parties is a private entity that made a large contribution for the funding of a court program over which the judge presides). See also Ohio Advisory Opinion 2004-13 (a judge may not sign a letter requesting local businesses to donate small items for use as program incentives and rewards for defendants in the mental health court, and the judge may not direct a court employee to solicit such donations). Accordingly, pursuant to the Alabama Canons of Judicial Ethics, the judge is prohibited from sending the proposed letter.

REFERENCES

Alabama Canons of Judicial Ethics, Canons 3C(1) and 4

Alabama Advisory Opinions 04-846, 97-682, and 82-166

Ohio Advisory Opinion 2004-13

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, P. O. Box 303400, Montgomery, Alabama 36130-3400; tel.: (334) 242-4089; fax: (334) 353-4043; E-mail: jic@alalinc.net.