

JUDICIAL INQUIRY COMMISSION

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ADVISORY OPINION 07-887

AWARD OR RECOGNITION AS GUEST OF HONOR AT CHARITY'S FUND-RAISER

ISSUE

May a justice be recognized as a guest of honor at a charitable fund-raiser? **ANSWER:** A justice, ever mindful of the provisions of Canons 1 and 2, is strongly discouraged from allowing an organization to recognize her as the guest of honor at a charitable fund-raising event.

FACTS

The Southern Committee of Fifty has inquired of a supreme court justice whether she may be honored as one of three "Southern Women of Distinction" at the organization's annual luncheon. In the organization's proposed letter promoting the event, two charities are highlighted as the recipients of the organization's annual fund-raising efforts. The correspondence will include an order form with information about the luncheon and the different levels of support, including sponsorship of the event.

DISCUSSION

The Alabama Canons of Judicial Ethics do not directly address the topic of awards and testimonials. A judge's civic and charitable activities are regulated by Canon 5B. That canon provides that a "judge may participate in civic and charitable activities that do not reflect adversely upon [her] impartiality or interfere with the performance of his judicial duties." In addressing leadership roles in civic

and charitable organizations, Canon 5B(2) cautions that "[i]t is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organizations or institution, or use or permit the use of the prestige of [her] office for that purpose, but [she] may be listed as an officer, director, or trustee of such an organization or institution." Canon 2C similarly admonishes that a judge "should not lend the prestige of [her] office to advance the private interests of others."

Advisory Opinion 00-760. 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. Advisory Opinion 06-862 and advisory opinions cited therein.

Clearly, a judge may be a guest of honor at an event sponsored by a charitable organization if the event is not a fund-raiser. Cynthia Gray, *A Judge's Attendance at Social Events, Bar Association Functions, Civic and Charitable Functions, and Political Functions* 8 (American Judicature Society 1996). *See, e.g.,* Advisory Opinion 00-760 (a judge may be honored at an annual dinner as the recipient of the Distinguished Eagle Scout Award and may be listed as the recipient in the invitation that solicits ticket and advertisement purchases if the solicited monies cover only the costs of the dinner). *Cf.* Advisory Opinion 97-670 (an active judge may have an academic chair named in his honor, but may not personally participate in the fund-raising to endow the chair).

The canons discourage participation in fund-raising for civic and charitable organizations primarily because of two dangers: (1) that the prestige of the judicial office will be used for fund solicitation, and (2) that the person solicited will feel obligated to respond favorably to the solicitation. Advisory Opinions 00-760, 00-753, and 00-747. Typically, the presence of the guest of honor is meant to motivate potential donors to attend and consequently to contribute to the fund-raising event. Indiana Advisory Opinion 1-96. If a judge is being honored primarily because of her position or her accomplishment of becoming a judge – rather than some separate, independent reason, unrelated to the judge’s position – and, thus, her title and position are publicized, the prestige of the judicial office is advanced for solicitation of contributions. *Compare* Advisory Opinion 00-760 (annual Distinguished Eagle Scout Award honoree just happened to be a judge, so identifying the judge as the recipient could not have been regarded as an attempt to trade on the prestige of the judicial office). Thus, the award/fund-raiser event presents a real danger of *de facto* coercion, which, even if unintended, amounts to a misuse of the judicial office. Jeffrey M. Shaman et al., *Judicial Conduct and Ethics*, § 9.09, at 310 (3d ed. 2000).

Thus, although not absolutely prohibited, the justice is strongly discouraged from being a guest of honor at a fund-raising event and should approach such activity with caution, ever mindful of the provisions of Canons 1 and 2.

REFERENCES

Advisory Opinions 06-862, 00-760, 00-753, 00-747, and 97-670.

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

Indiana Advisory Opinion 1-96.

Cynthia Gray, *A Judge’s Attendance at Social Events, Bar Association Functions, Civic and Charitable Functions, and Political Functions* 8 (American Judicature Society 1996).

Jeffrey M. Shaman et al., *Judicial Conduct and Ethics*, § 9.09, at 310 (3d ed. 2000).

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.