JUDICIAL ADVISORY OPINIONS REGARDING JUDICIAL FUNDRAISING, by Thomas E. Hornsby, (Circuit Court Judge, ret.)

STATE ADVISORY OPINIONS

The status of the state revisions of their respective judicial codes in light of the 2007 revisions to the ABA Model Code of Judicial Conduct is still in a state of flux. Below, along with the judicial advisory opinions, is the status of each state’s adoption as of June 28, 2018, according to the American Bar Association Center for Professional Responsibility. Thirty seven states have adopted the ABA Revised Code of Judicial Conduct. Mr. John A. Holtaway, (312) 988-5298, john.holtaway@americanbar.org solicits your inquiries and information. Some of the remaining states are considering adoption.

In reviewing this digest of Judicial Advisory Opinion, judges should note the date of the opinion and whether it was adopted prior to or after the stated dates of revision.

This digest does not include all of the advisory opinions on fundraising. The author has attempted to include only those opinions to assist judges in determining whether or not to assist the NCJFCJ in raising funds and in what capacity. Judges must examine their respective judicial advisory opinions and if need be, obtain an advisory opinion before engaging in fund raising activities. Nothing contained herein is to be considered as rendering legal advice.

The Center for Judicial Ethics has links to the websites of judicial ethics committees at www.ajs.org/judicial-ethics/.

Judges are encouraged to read an excellent article by Cynthia Gray entitled “Participating in fund-raising events” found in the JUDICIAL CONDUCT REPORTER VOLUME 36, NO. 2, SUMMER 2014. This article is a summary of judicial advisory opinions reported from the state advisory groups. Included in the article are the subjects of Washing dishes and cars; Playing music and softball; Walking, running, biking, dancing; Auctions; Event committees; and Unadvertised awards. Also found in this publication is another excellent article by Cynthia Gray entitled “Discipline for charitable fund-raising”.
In determining whether a judge should engage in fundraising, guidelines for Judicial Fundraising are found in Arizona Advisory Opinion 00-006 as follows:

- Is the judge’s identity and role in the fundraiser easily ascertainable and prominent?
- Does the judge’s involvement lend the prestige of judicial office to the solicitation of funds such that others are likely to be encouraged or influenced to donate funds on that basis?
- Will the judge’s participation in a fund-raising event, from an objective standpoint, cast or create an appearance of reasonable doubt on the judge’s impartiality?
- Who is the fund-raising target and for what purpose are the fund-raising target and for what purpose are funds sought?
- Does the judge’s involvement interfere with proper performance of judicial duties?
- Passive, indirect and *de minimus* involvement in fundraising is permissible (not all states), (i.e):
  - Passing collections plate at church service.
  - Selling fruit for charity.
  - Working in kitchen or serving food at a fund-raising dinner.
  - Sponsoring little league team with judge’s name on uniform.
  - Serving as “celebrity guests” (e.g. “celebrity chef”, “celebrity bagger”).

Perhaps it would be a good idea for judges when deciding to engage in fund-raising activities to follow Mark Twain’s advice to:

“Always Do Right.
This Will Gratify Some People,
And Astonish the Rest.”

**Disclaimer-Information Not Legal Advice:** This information is not legal advice and cannot replace legal advice. Legal information can change rapidly. The information contained in this article is not guaranteed to be up to date.

1. ALABAMA
RELEVANT FUND RAISING PROVISIONS OF THE ALABAMA CODE OF JUDICIAL CONDUCT:

CANON 4

A judge may engage in activities to improve the law, the legal system, and the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in the management and investment. He may make recommendations to public and private fund-granting agencies on projects concerning the law, the legal system and the administration of justice.

CANON 5

B. Civic and charitable activities. 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 non-legal 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:

(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 engaged in adversary proceedings in any court.

COMMENTARY

The changing nature of some organizations and of their relationship to the law makes it necessary for a judge regularly to re-examine the activities of each organization with which he is affiliated to determine if it is proper for him to continue his relationship with it.

(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.
RELEVANT JUDICIAL ADVISORY OPINIONS:

*Judicial Inquiry Commission Advisory Opinion 12-909* (November, 18, 2011) – A judge assigned primarily to domestic relation cases may not participate as an actor in the annual dinner-theater fundraiser for the county child-advocacy center. “[H]is involvement would present a reasonable question of his impartiality because the center’s activities are advocacy-oriented.” This would violate Canon 5 and Canon 2A.

*Alabama Advisory Opinion 04-831* *(January 26, 2004)* Judge may serve on a board of an organization that provides services to clients upon referral from the judge’s court and seek funding sources for such an organization, but cannot use his judicial title or position in such activities nor solicit funds from a person or entity who is regularly a party to proceedings in his court.

*Alabama Advisory Opinion 04-834* *(January 30, 2004)*: A judge may permit reference to be made to his judicial office when he is introduced to give a report for an organization during a church service when, at the conclusion of the service, a love offering is made to the organization.

*Alabama Advisory Opinion 04-837* *(March 12, 2004)*: Judge may serve as the president of a charitable organization that engages in fund raising and allow judge’s name on letterhead, but cannot actively engage in fundraising.

*Alabama Advisory Opinion 01-773* *(February 14, 2001)*: A circuit judge who regularly has cases before him to which a city is a party cannot sign a proposed letter soliciting city funding for a scouting program.

*Alabama Advisory Opinion 00-760* *(August 25, 2000)*: 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 to the dinner that solicits ticket and advertisement purchases.

*Alabama Advisory Opinion 00-753* *(June 2, 2000)*: A judge may not write a letter endorsing a particular charitable organization (Alabama Baptist Children’s Home and Family Ministries) that the organization will use to support grant applications, major gift proposals, and other funding documents.
Alabama Advisory Opinion 1998-712: A judge may not serve on the host committee for fundraising banquets for organizations involved in prison evangelistic programs and victim assistance when the responsibilities include lending her name to banquet invitations programs, serving as a host at a table to help develop relationships, obtaining church support and involvement, and recruiting other committee members.

Alabama 99-47 – “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.”

Judicial Inquiry Commission Advisory Opinion 98-712 (November 13, 1998): Judge may not serve on the host committee for benefit banquets to be held for the Justice Fellowship, Prison Fellowship of Alabama, and Neighbors Who Care, where members are expected to inter alia, serve as advisors, advocates, and representatives for these three organizations; lend the use of their names to banquet invitations and programs; serve as hosts at their tables at the banquets to help develop relationships; participate in ministry opportunities; obtain church support and involvement; make a financial contribution to the cost of the banquets; and, recruit other members.


Judicial Inquiry Commission 97-670 (October 3, 1997): A judge may not participate in the fund raising to support or endow the chair naming his honor at the university from which he received his undergraduate degree.

Judicial Inquiry Commission Advisory Opinion 96-596 (February 23, 1996): Judge and judge’s spouse may host one of a series of fund-raising dinners for a charitable organization but may not use the judge’s title on the invitation.

Alabama Advisory Opinion 93-492: A judge may speak as a program on behalf of the need for a “Big Brothers/Sisters” organization even though other speakers will solicit contributions.

Judicial Inquiry Commission Advisory Opinion 90-395 (April 3, 1999): A judge may serve on the Board of Directors of the United Way so long as the judge does not
participate in fund raising but acts strictly in the area of planning for agency needs regarding children and families.

Judicial Inquiry Commission Advisory Opinion 88-329 (February 29, 1988): Judge if he participates in a charitable raising event may ask the local chairperson to solicit sponsors for the judge.

Judicial Inquiry Advisory Opinion 84-216(84-216): Judge should not permit use of his name as judge on stationery that he knows will be used for soliciting funds for an educational foundation. The stationery would be used to describe the foundation and to invite the recipient of the correspondence to contribute to the foundation.

Judicial Inquiry Commission Advisory Opinion 82-166 (November 22, 1982): Judge as founder and director of a juvenile detention facility cannot accept a donation or contribution on behalf of the building fund of that facility which has been established specifically for referrals from his court.

2. ALASKA

RELEVANT FUND RAISING PROVISIONS OF THE 2007-2008 ALASKA CODE OF JUDICIAL CONDUCT:

CANON 4 C(2)(b) Regardless of the judge’s role within [permitted] organization, a judge:

(i) may assist the organization in planning fundraising activities and may participate in the management and investment of the organization’s funds, but shall not personally participate in the solicitation of funds or be the speaker or guest of honor at the organization’s fundraising event, except a judge may be the speaker or guest of honor for public service organizations that seek improvement in the administration of justice, benefit indigent representation, or assist access to justice, or for any permitted organization under 4C(3) where the proceeds from the event seek to improve the administration of justice, benefit indigent representation, or assist access to justice. …

(ii) may make recommendations to public or private fund-granting organizations on projects concerning the law*, the legal system, or the administration of justice.
(iv) shall not personally participate in membership solicitation, except as permitted in Section 4C(3)(c)(i), if the membership solicitation is essentially a fundraising mechanism.

(v) shall not use or permit anyone else to use the prestige of judicial office for fundraising or membership solicitation.

**COMMENTARY**

*Use of an organization letterhead for fundraising or membership solicitation does not violate Section 4C(3)(b) provided the letterhead lists only the judge’s name and office or other position in the organization, and, if comparable designations are listed from other persons, the judge’s judicial designation. ...*

Section 4C(3)(b)(i) is intended to prohibit the direct solicitation of funds. Being the speaker or guest of honor an organization’s fundraising event is the functional equivalent of solicitation. However, judges may participate as workers at fundraising events such as car washes and carnivals, purchase admission to fundraising social events, and purchase goods and services (e.g., candy bars, commemorative buttons, or a car wash) that are being sold as a fundraising effort.

*The limited exception allowing judges to be speakers or guests of honor for public service organizations that assist justice is mean to include not-for-profit organizations that exist to enhance access to justice or to seek improvement in the administration of justice....*

*Opinion #019 (Approved as modified August 26, 1994)* Canon 5B(2), prohibits fund solicitation for charitable or civic organizations; it does not, however, require a judge to direct the organization to remove the judge's name from a list of officers, trustees, or directors where the listing is not a prominent part of the fund solicitation. A judge generally should not use the title of the judicial office in connection with any list of officers, trustees, or directors. The title, however, may be used to describe the judge's occupation if all officers, trustees, or directors are listed in a similar manner.

3. **ARIZONA:** Supreme Court Approved Revised Judicial Code effective 9/1/09.
Note: The adoption of the new Code of Judicial Conduct in 2009 may invalidate certain opinions issued before that time. Judges may contact Judicial Ethics Advisory Opinion Committee for advice as to continuing viability of an earlier opinion.

RELEVANT FUND RAISING PROVISIONS OF THE ARIZONA JUDICIAL CODE:

RULE 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations

(A) A judge may not directly solicit funds for an organization. However, subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organization not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, volunteering services or goods at fund-raising events, and participating in the management and investment of the organization’s or entity’s funds;
(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family or from judges over whom the judge does not exercise supervisory or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition, being featured on the program, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may do so only if the event concerns the law, the legal system, or the administration of justice.

(5) making or soliciting recommendations to such a public or private fund-raising organization or entity in connection with its fund-granting programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice.
(6) serving as an officer, director, trustee, or nonlegal advisor of such an
organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the
judge: or

(b) will frequently be engaged in adversary proceedings in the court of
which the judge is a member, or in any court subject to the appellate
jurisdiction of the court of which the judge is a member.

Comment

1. The activities permitted by paragraph (A) generally include those sponsored by
or undertaken on behalf of public or private not-for-profit educational institutions,
and other non-for-profit organizations, including, including law-related, and other
organizations. An organization concerned with the law, the legal system, and the
administration of justice, may include an accredited institution of legal education,
whether for pro-fit or not-for-profit.

3. Mere attendance at an event, whether or not the event serves a fund-raising
purpose, does not constitute participation in violation of paragraph (A)(4). It is
also generally permissible for a judge to serve as an usher or a food server of
preparer, or to perform similar functions, at fund-raising events sponsored by
educational, religious, charitable, fraternal, or civic organizations. Such activities
are not solicitation and do not present an element of coercion or abuse the prestige
of judicial office.

4. Identification of a judge’s position in educational, religious, charitable,
fraternal, or civic organizations on letterhead used for fund-raising or membership
solicitation does not violate this Rule. The letterhead may list the judge’s title or
judicial office if comparable designations are used for other persons.

5. A judge may be an announced speaker at a fund-raising event benefitting
indigent representation, scholarships for law students, or accredited institutions of
legal education.

RELATIVE JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW
CODE:
1. **Advisory Opinion 06-06 (December 15, 2006):** Judge may serve as honorary chair of a fund raising campaign to benefit a public institution of legal education but cannot personally solicit funds, receive contributions or account for donations. *This opinion contains an excellent review of other states’ opinions.*

2. **Advisory Opinion 04-04 (December 16, 2004):** A judge may be inducted into a high school (district’s hall of fame) during a fund-raising dinner for scholarships and may be recognized for his achievements as a judge as well as for his involvement in the community. The judge will not use his title on the program, but may be introduced by his title when his name is announced as an inductee in the hall of fame, but it should not be used to generate interest in the event.

3. **Advisory Opinion 04-03 (December 6, 2004):** A court may not actively solicit sponsorship funding of a symposium on mental issues dealt with the court by distributing letters asking organizations to sponsor the event. The court would have to find ways to supplement a federal grant by recruiting non-profit and for-profit organizations in contributing sponsors.

4. **Advisory Opinion 00-06 (December 18, 2000):** Judicial Participation in Fund-Raising Activities. This omnibus opinion analyzes issues relating to judicial participation in fund-raising activities that the committee has previously addressed informally. Each issue is fully discussed in the text, and guidelines are prepared to help answer similar questions in the future.

4. **Advisory Opinion 97-09 (July 30, 1997):** A judge as president of a board of a non-profit corporation to establish a Head Start Program, a health clinic, and a youth community center, can not be the contact person or sign a grant application to another charitable organization, but as president of the board can answer questions from a prospective grantor about the non-profit corporation’s activities as long as the other board members make the active solicitation of funds, so the judge may participate in fact-finding in connection with a funding solicitation.

5. **ARKANSAS:** Supreme Court Approved Revised Judicial Code effective 7/1/09.

**RELEVANT FUND RAISING PROVISIONS OF THE ARKANSAS CODE OF JUDICIAL CONDUCT**
Rule 3.7 - Participation In Educational, Religious, Charitable, Fraternal, Or Civic Organizations And Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;

3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, as long as the solicitation cannot reasonably be perceived as coercive;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

[6] [judge may serve as an officer or director of such an organization, but not if is likely to be engaged in adversary proceedings in the jurisdiction].
RELATIVE FUND RAISING OPINIONS OF THE ARKANSAS CODE OF JUDICIAL CONDUCT:

Advisory Opinion 91.05 (November 19, 1991) – a judge may not solicit funds in person, by telephone, or by letter from individuals or corporations to support a reception to be held following a continuing legal education seminar sponsored by the Arkansas Association of Women Lawyers nor may the judge solicit funds on personal stationery from her residence, but the judge may suggest to the organization the names of potential donors and participate in the planning of fund-raising, and non-judicial members or employees of the organization may contact donors if they are careful not to suggest that they are acting on behalf of or with the knowledge of the judge. The Committee noted that Canon 4C implies that a judge may personally participate in "private" fund-raising, but stated that private fund-raising should be interpreted as limited to narrow situations involving, for example, fund-raising among relatives and other judges. Non-judicial members and employees of the organization may contact donors if they are careful not to suggest that they are acting on behalf or with knowledge of the judge. Funds were to support a reception to be held following a CLE seminar sponsored by the Arkansas Association of Women Lawyers.

Advisory Opinion 2005-6 (December 7, 2005): A retired circuit judge may be pictured in a robe on the jacket cover of a book he or she authored on being a judge.

5. CALIFORNIA: Supreme Court Approved Revised Judicial Code Effective August 19, 2015

RELEVANT FUND RAISING PROVISIONS OF THE CALIFORNIA CODE OF JUDICIAL CONDUCT

CANON 4

C. Governmental, Civic, or Charitable Activities

(3) Subject to the following limitations and the other requirements of this code,
(a) a judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice* provided that such position does not constitute a public office within the meaning of article VI, section 17 of the California Constitution;

(b) a judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, service,* or civic organization not conducted for profit;

(c) a judge shall not serve as an officer, director, trustee, or nonlegal advisor if it is likely that the organization

   (i) will be engaged in judicial proceedings that would ordinarily come before the judge, or

   (ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)
Canon 4C(3) does not apply to a judge’s service in a governmental position connected with the improvement of the law, the legal system, or the administration of justice.*See Canon 4C(2)

Canon 4C(3) uses the phrase, “Subject to the following limitations and the other requirements of this code.” As an example of the meaning of the phrase, ratio judge permitted by Canon 4C(3) to serve on the board of a service organization* may be prohibited from such service by Canon 2C or 4A if the institution practices invidious discrimination or if service on the board otherwise casts reasonable doubt on the judge’s capacity to act impartially* as a judge.

Service by a judge on behalf of a civic or charitable organization may be governed by other provisions of Canon 4 in addition to Canon 4C. For example, a judge is prohibited by Canon 4G from serving as a legal advisor to a civic or charitable organization.

Service on the board of a homeowners association or a neighborhood protective group is proper if it is related to the protection of the judge’s own economic interests. See Canons 4D(2) and 4D(4). See Canon 2B regarding the obligation to avoid improper use of the prestige of a judge’s office.
(d) a judge as an officer, director, trustee, nonlegal advisor, or as a member or otherwise
   (i) may assist such an organization in planning fundraising and may participate in the management and investment of the organization’s funds. However, a judge shall not personally participate in the solicitation of funds or other fundraising activities, except that a judge may privately solicit funds for such an organization from members of the judge’s family* or from other judges (excluding court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and temporary judges*);

   (ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice;*

   (iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism, except as permitted in Canon 4C(3)(d)(i);

   (iv) shall not permit the use of the prestige of his or her judicial office or fundraising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service provided the judge does not personally solicit funds and complies with Canons 4A(1), (2), (3), and (4).

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(d)
A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system, or the administration of justice,* or a nonprofit educational, religious, charitable, service,* or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fundraising mechanism. Solicitation of funds or memberships for an organization similarly involves the danger that the person solicited will feel obligated to respond favorably if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing, or by telephone except in the following cases: (1) a judge may solicit other judges (excluding court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and temporary judges*) for funds or memberships; (2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves; and (3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge’s signature. When deciding whether to make recommendations to public and private fund-
granting organizations on projects and programs concerning the law, the legal system, or the administration of justice,* a judge should consider whether that conduct would violate any other provision of this code. For a list of factors to consider, see the explanation of “law, the legal system, or the administration of justice” in the Terminology section. Use of an organization’s letterhead for fundraising or membership solicitation does not violate Canon 4C(3)(d), provided the letterhead lists only the judge’s name and office or other position in the organization, and designates the judge’s judicial title only if other persons whose names appear on the letterhead have comparable designations. In addition, a judge must also make reasonable efforts to ensure that the judge’s staff, court officials, and others subject to the judge’s direction and control do not solicit funds on the judge’s behalf for any purpose, charitable or otherwise.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

Advisory Opinion No. 2013-1 - CJA Judicial Ethics Update: Nov. 2012: Conduct Outside the Courtroom; No. 5: A judge may not appear in a video promoting a non-profit program that provides services to the court but may attend graduation ceremonies for individuals the judge has referred to the program.

In the Matter of Quail, Decision and Order, (California Commission on Judicial Performance June 2, 2008): California Commission on Judicial Performance publicly admonished a former judge for soliciting donations. n a fund raising auction for a charitable organization selling auction tickets, having court staff sell tickets, acting as an auctioneer, and using his judicial secretary, court resources, and court letterhead in personal matters.

CJA Judicial Ethics Update: Nov. 2012: Fundraising, No. 1: A judge may not send an e-mail to family members and close friends recommending they support a particular charity.

CJA Judicial Ethics Update: Nov. 2012: Fundraising, No. 2: A judge may not be an honorary host for a non-profit fundraising party.

CJA Judicial Ethics Update: Nov. 2012: Fundraising, No. 5: When an organization uses a judge’s name in its fundraising efforts, the judge has a duty to contact the organization and request it to hale the use of the judge’s name and to notify
everyone who received the information that it was done without the judge’s permission and that judges are prohibited from engaging in fundraising.

_CJA Judicial Ethics Update (1982) pp.1-2:_ Judge may not be shown or publicly recognized as a member of a fund-raising committee.


_Cal. Code of Judicial Ethics, Canon 4C(3)(d)(i)&(ii):_ A judge “may make recommendations to public and private fund-granting organizations on projects concerning the law, the legal system, or the administration of justice.

_Rothman, 3rd. Ed. Section 10.53._

“A judge may be present during donor solicitation as long as the judge does not participate in any way in the solicitation. I believe that the advice should be limited to a large event, and that a judge should not be present at a small private solicitation meeting where, even without the judge’s speaking, the potential donor could not help interpreting the judge’s presence as intended to influence the donation.”

6. **COLORADO:** Supreme Court Approved Revised Model Code of Judicial Conduct effective July 1, 2010

**RELEVANT FUND RAISING PROVISIONS OF THE COLORADO CODE OF JUDICIAL CONDUCT**

_Canon 3_

_A JUDGE SHALL CONDUCT THE JUDGE’S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE._

**Rule 3.7**

Rule 3.7: Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal
system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund- raising, and participating in the management and investment of the organization’s or entity’s funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice.

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge, or

(b) will be frequently engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph 4(A). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic
organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

ANNOTATION Ethics opinions

A judge may approve a deferred-sentence agreement that requires a defendant to make a donation to a specific charity, as long as the charity specified in the agreement is neither chosen nor suggested by the court. Colo. J.E.A.B. Op. 08-07.

A judge may serve on a grant-making committee of a community foundation. Colo. J.E.A.B. Op. 07-03.

A judge may serve on the board of directors of a public charter school in a neighboring judicial district. Colo. J.E.A.B. Op. 07-02..

A judge may serve on the board of an organization devoted to seeking funds to assist defendants in obtaining court-ordered substance abuse treatment, and he may make recommendations to a private foundation that it should fund programs to the same end, but it would be inappropriate for the judge to assist in determining which particular defendants receive the scholarship funds. Colo. J.E.A.B. Op. 06-06..

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER NEW CODE

*CJEAB Advisory Opinion 2018-01*: A judge may help, plan, play in, and invite others to play in a golf tournament designed to raise funds for an endowed scholarship honoring the judge’s late son if the judge’s name and title are not used to promote the tournament. The judge may personally solicit family members and judges not under the judge’s supervision or appellate authority.

*CJEAB Opinion 2016-03* (November 14, 2016)(answers a judge’s question regarding whether it is permissible for him to sit on the Board of Trustees of the Colorado PERA. The Judicial Ethics Advisory Board determined that a judge elected to sit on the Board of Trustees of Colorado PERA should abstain from participating as a panelist in PERA’s administrative hearing process because such participation constitutes arbitration or another judicial function outside of a judge’s official duties and violates the Code of Judicial Conduct.
CJEAB Advisory Opinion 2012-01 (January 25, 2012) A judge serving as chairman of the board of a non-profit organization may not sign grant applications on behalf of the organization, regardless of whether the judge is identified as a judge in the application materials.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE:

CJEAB Advisory Opinion 2007-03 (February 1, 2007): Judge may serve on a volunteer grant-making committee of a community foundation.

CJEAB Advisory Opinion 2006-06 – A judge may serve on a board of an organization devoted to seeking funds to assist defendants in obtaining court ordered substance abuse treatment, and he may make recommendations to a private foundation that it should fund programs to the same end….


RELEVANT FUND RAISING PROVISIONS CONNECTICUT CODE OF JUDICIAL CONDUCT

Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations

(a) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by iron behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including, but not limited to, the following activities:

(1) assisting such an organization or entity in planning related to fund-raising and participating in the management and investment of the organization’s or entity’s funds

(4) Appearing or speaking at, receiving at, receiving an award or other recognition, at, being featured on the program of, and permitting his or her title to be used in connection with the event of such and organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event or entity is concerned with the legal system, or the administration of justice.
(5) making recommendations to such a public or private organization fund-raising organization or entity in connection with its programs and activities but only if the organization is concerned with the law, the legal system, or the administration of justice.

(6) serving as an officer, director, trustee, or nonlegal advisor of an organization or entity, unless it is likely that the organization or entity:
(A) will be engaged in proceedings that would ordinarily come before the judge, or
(B) will frequently be engaged in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT:

(1) The activities permitted by subsection (a) generally include those sponsored by or undertaken on behalf of public or private educational institutions and other not-for-profit organizations, including law related, charitable, and other organizations.

(3) Mere attendance at an event, whether or not the event serves as a fund-raising purpose, does not constitute a violation of subsection (a)(4.). It is also generally permissible for a judge save as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious or other civic functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element coercion or abuse of judicial office.

(4) Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

RELEVANT FUND RAISING OPINIONS OF THE CONNECTICUT CODE OF JUDICIAL CONDUCT AFTER THE NEW CODE:

Opinion 2014 (December 18, 2014): Judicial Official may serve on an advisory board for a particular program of studies at a nonprofit educational institution.

Opinion 2014-08 (June 11, 2014): Judicial Official may not grant a nonprofit permission to use his or name and former political title on the organization’s letterhead because the purpose of the communication is for fundraising. The mission is to make meaningful contributions toward improving the quality of life in a particular Connecticut town.
Opinion No. 2013-24 (June 6, 2013) – The Connecticut Committee on Judicial Ethics concluded that Judicial Official who is the chair of a Judicial Branch Public Service and Trust Commission Committee may sign a letter of support, in his or her capacity as chair, on behalf of a legal aid organization seeking a technology grant from a charitable organization concerned with the law, the legal system, or the administration of justice. The proceeds of the grant will be used for a program or activity that concerns the law, the legal system or the administration of justice. The committee considered Arizona Opinions 95-21 and 97-01, Florida Opinions 2012-35 and 2002-09, and New York Opinions 08-112 and 97-71, and concluded that if the Judicial Office has concluded that the Committee has the authority to issue a letter of Support, and that the Committee has approved providing such a letter, the Judicial Official may issue the letter provided that (1) the judicial official is knowledgeable about the Organization soliciting the funding and how the funding will be used; (2) the Judicial Office is convinced that the project in fact advances the administration of justice and (3) the Judicial Office makes clear that the letter is on behalf of the Committee and not on behalf of the entire Judicial Branch.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

Informal Opinion Summaries: 2009-No. 27: May a Judicial Officer serve as honorary co-chair of a charitable organization’s goods drive?

Response:
A charitable organization conducts an annual goods drive for donations of food, clothing, or similar items and seeks to have the Judicial Official serve, with visor her spouse as an honorary co-chair; the Judicial Official would be publicly identified as an honorary co-chair and his/her name would appear on the organization’s letterhead, possibly with identification of the Judicial Official’s title in the letterhead or on the organization’s website. Although the Judicial Official would not directly solicit goods or funds, the Judicial Official would intend to speak, in his/her role as an honorary co-chair, to various church and rotary groups about the needs in the community and the special health and related issues affecting young children. Based on these facts, the participating Committee members found no tenable distinction between directly soliciting funds and indirectly soliciting in-kind goods donations by publicly speaking about the needs in the community in the contest of the Judicial Official’s capacity as honorary co-chair of the goods donation drive,. The Committee determined that participation as honorary co-chair under the stated facts would be a violation of Canon 5(b)(2) in two respects: First, because the Judicial Official’s title may be disclosed or could be readily known to potential donors, it would violate Canon 5(b)(2)’ prohibition of “us[ing] or permit[ting] the use of the prestige of his or he office for that [fund-raising] purpose.” Second, the scope of the Judicial Official’s public and highly visible involvement in the organization’s charitable goods drive (unlike the more general involvement in charitable
organizations permitted by Canon 5(b) could objectively perceived as encouraging contributions to the charitable drive in violation of the Canon 5(b) (2)’ proscription against “solicit[ting] funds” because the exclusive purpose of tanning the honorary co-chair title would be for the public purpose of soliciting the equivalent of funds. Not withstanding the Judicial Official’s salutary intent, under Canon 5(b) of the Judicial Official’s conduct must be evaluated by an objective, reasonable person standard. The Committee also observed that, while on these facts, serving as honorary co-chair of a charitable drive is a violation of Canon 5, the following would be permissible: (1) the Judicial Official may participate anonymously in the planning of the charitable drive in a way that is not directly involved with any acts of solicitation, and (2) the Judicial Office may speak to groups about the social and human needs that may form the basis for a charitable contribution drive provided the Judicial Office does not solicit donations or associate his or her name with any donation/fund-raising efforts.

*Opinion 2008-06 (September 26, 2008):* Judicial Official could join the law class reunion committee provided that he/she did not participate in any activity involving fundraising from others, including but not limited to (not allowing his/her name to be used on any letters of communications concerning fundraising activities, and (not participating in activities related to requesting participation in a class gift or pledge, and contacting those that have not yet given to encourage their support.

7. DELAWARE: Supreme Court Approved Revised Judicial Code effective November 1, 2008.

**RELEVANT FUND RAISING PROVISIONS OF THE DELAWARE CODE:**

**RULE 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities.**

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

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

B) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. A judge should not personally participate in membership solicitation if the
solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.

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

Comment:
A judge's participation in an organization devoted to quasi-judicial activities is governed by Rule 3.1. A judge may attend fund-raising activities of the organization although the judge may not be a speaker, a guest of honor, or featured on the program of such an event. Use of an organization's letterhead for fund-raising or membership solicitation does not violate these Rules, provided the letterhead lists only the judge's name and position in the organization, and, if comparable designations are listed for other persons, the judge's judicial designation.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER THE NEW CODE:

JEAC 2012-1 (5/7/12): The Delaware Judges' Code of Conduct permits a Judge to serve as President of a Club that performs charitable activities which are supported through fund-raising activities, so long as the Judge is able to separate his duties as President from the Club’s fund-raising function and does not allow the prestige of his judicial office to be used as a fund-raising mechanism. Canons 3.723

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE

JEAC 2007-4 (9/26/07): A judge may serve on the membership committee of the National Council of Juvenile and Family Court Judges with the restrictions outlined in the opinion. Canon 4 and 5. The Committee has determined that your participation on the membership committee of the NCJFCJ would be considered a law related activity that is concerned with the administration of justice within the purview of Canon 4. Judicial involvement in law related activities is encouraged, The Committee’s conclusion that participation with the NCJFCJ is a law-related activity, and not an extra-judicial activity, is critical to the analysis and ultimately distinguishes this proposed endeavor from other cases recently addressed by the Committee. The Committee has concluded that the duties you anticipate carrying out on behalf of the NCJFCJ would be permitted by Canon 4.

RELEVANT FUND RAISING PROVISIONS OF THE WASHINGTON, D.C.,
CODE OF JUDICIAL CONDUCT:

Canon 3
A JUDGE SHALL CONDUCT THE JUDGE’S PERSONAL AND
EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT
WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

Rule 3.7: Participation in Educational, Religious, Charitable, Fraternal, or Civic
Organizations and Activities
(A) Subject to the requirements of Rule 3.1, a judge may participate in activities
sponsored by organizations or governmental entities concerned with the law, the legal
system, or the administration of justice, and those sponsored by or on behalf of
educational, religious, charitable, fraternal, or civic organizations not conducted for
profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and
participating in the management and investment of the organization’s or entity’s funds;

(2) soliciting* contributions* for such an organization or entity, but only from members
of the judge’s family,* or from judges over whom the judge does not exercise supervisory
or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on
the program of, and permitting his or her title to be used in connection with an event of
such an organization or entity, but if the event serves a fund-raising purpose, the judge
may participate only if the event concerns the law, the legal system, or the administration
of justice;

(5) making recommendations to such a public or private fund-granting organization or
entity in connection with its programs and activities, but only if the organization or entity
is concerned with the law, the legal system, or the administration of justice; and
(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or
entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment
[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.
[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely upon a judge’s independence, integrity, and impartiality. A judge should not accept an award or other recognition from an organization whose members frequently represent or are on the same side in litigation.
[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.
[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE:

ADVISORY OPINION NO. 8 (March 21, 2000): CRITERIA FOR USE OF JUDGE’S NAME ON LETTERHEAD IN SOLICITATION OF FUNDS: Since the CCE (Council for Court Excellence) is a civic, charitable organization, the express purpose of which is the improvement of justice, a judge may allow his or her name to appear on the CCE’s letterhead in a solicitation for funds without violating 4C(3)(b)(i), so long as the solicitation meets the foregoing conditions.

10. FLORIDA: Florida Code of Judicial conduct as amended through May 10, 2018
D. A judge is encouraged to serve as a member, officer, director, trustee or non-legal advisor of an organization or governmental entity devoted to the law, the legal system or the administration of justice or subject to the following limitations and the other requirements of this Code.

(1) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization
(a) will be engaged in proceedings that would ordinarily come before the judge, or
(b) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(2) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:
(a) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization’s funds, but shall not personally or directly participate in the solicitation of funds, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority.

(b) May appear or speak at, receive an award or other recognition at, be featured on the program of, and permit the judge’s title to be used in conjunction with an event of such an organization or entity, but only if the event concerns the law, the legal system, or the administration of justice and the funds raised will be used for a law related purpose(s):

(c) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system or the administration of justice;

(d) shall not personally or directly participate in membership solicitation if the solicitation might reasonably be perceived as coercive.
(e) shall not make use of court premises, staff, stationery, equipment, or other resources for fund-raising purposes, except for incidental use for activities that concern the law, the legal system, or the administration of justice, subject to the requirements of this Code.

SEE COMMENTARY

RELEVANT JUDICIAL ADVISORY OPINIONS:

FLORIDA ADVISORY OPINION 2018-8.: The mission statement of The Judicial Assistants Association of Florida is “working in partnerships to protect strengthen, and advance the lives and careers of Judicial Assistants”. Every Florida judge has a Judicial Assistant. The duties include secretarial, administrative and clerical/paralegal. Some assistants serve as “social workers with some pro se litigants. This opinion states that the Association may request and accept donations from attorneys, law firms, businesses, and bar associations to offset the costs of its annual educational conferences as long as all fund-raising is conducted in the name of the organization without any reference in advertising, promotion, or solicitation to any particular judicial assistant’s judge or office.

JEAC: 2018-5 (February 26, 2018) A judge may permit a legal aid organization to list the judge as a member of the host committee on an invitation to an event to raise funds for a program that trains lawyers for pro bono representation in a specific area of the law.

JEAC Florida Advisory Opinion 2016-20: A judge may not serve on a bar association committee hosting a golf tournament that is raising funds for the Guardian Ad Litem Foundation, which is a litigant in every dependency case that comes before the judge, but may attend the event and assist with organizational, non-fund-raising tasks such as setting up sponsor signs and the silent auction, serving food and beverages, and taking pictures.

JEAC 2015-02 (February 26, 2015): A judge may not attend an award luncheon to accept an award and be inducted into a County Hall of Fame sponsored by the county’s Women’s History Coalition, where program advertisements are sold to raise funds for the sponsoring organization even if the judge informs the organization that it cannot use the
judge’s name or office for fundraising in any way, such as by including the name or office in advance publicity concerning the event, in the formal invitation, or in any advertisements or congratulatory messages in the program.

JEAC 2015 (March 13, 2015) A judge, as a member of the Board of Directors of a District Court of Appeal Historical Society, may not encourage others to participate in a walk/run fundraiser that is sponsored by a bar association when the funds will support the bar association’s pro bono project unless the solicitation is limited to judges over whom the judge exercises no supervisory or appellate authority.

JEAC 2014-15 (December 27, 2014). A judge may serve on the board of directors of a women’s non-profit foundation that engages in fund raising activities as long as the judge does not personally participate in the solicitation of funds or other fundraising activities. If the judge does not decide to sit on the board, the judge may be involved with the board in an advisory capacity.

1. The judge may serve on the board of the Leukemia and Lymphoma Society that also fundraises, as long as the judge does not personally contribute to functions organized by the Society.

2. If the judge is unable to serve on the Society’s Board, the judge may attend and personally contribute to functions organized by the Society.

3. A judge may be a dues paying member of a women’s non-partisan’s group that also fundraises as long as the judge does not personally participate in the solicitation of funds or other fundraising activities.

JEAC 2013-6 (October 9, 2013): A judge may serve on the board development committee a scouting organization and on the board of directors so long as the judge does not personally and directly participate in fund raising or otherwise engage in conduct that could reasonably be deemed to be coercive.

JEAC 2012:04 (January 31, 2005): a judge member of a standing committee of the Supreme Court may not directly solicit donations from voluntary bar associations to help defray the costs to print and distribute to judges, the legal community, and the public a brochure which the committee drafted about the perception of fairness in Florida’s courts.

JEAC 2012-26(August 24, 2012) Judge may ask local bar associations to hold lunch meeting so judge may solicit attorneys to volunteer as pro bono attorneys ad litem for children in dependency cases, if request would not appear to reasonable person to be coercive or cast doubt on judge’s ability to be impartial; but judge may not accept
association’s offer to raise funds to pay for meeting, because it supports guardian ad litem volunteers and children they represent and would thus raise doubt about judge’s ability to be impartial.

JEAC 2012-35 (November 12, 2012): A judge may, as chair of the local Juvenile Justice County Council and chair of the local Children’s Service Council, write a letter on judicial letterhead in support of a district school board’s federal grant application when portion of the grant funds will be used by the district school board to fund a delinquency prevention program being developed by the joint efforts of the two councils, as long as:

(1) the grant funds will be used solely for the delinquency prevention program and other programs and projects which concern the law, the legal system and the administration of justice; these programs do not cast doubt on the judge’s impartiality; and (3) the judge discloses the judge’s role in writing the delinquency prevention programs or other programs funded by the grant.

JEAC 2012-36: (December 10, 2012). A judge may not attend a religious organization’s fundraising dinner, after the organization mailed invitations listing the judge as one of several “hosts” without notifying the judge before the mailing.

JEAC 2011-06 (May 3, 2011): a judge may make a recommendation to public and private fund-granting organizations on behalf of a program that provides supervised childcare to parents and guardians who are attending court-related matters.

JEAC 2011-13 (August 31, 2011): A judge may not directly solicit local banks and businesses to assist in providing goods and/or services to a “financial literacy program which educates families on money management issues.” (opinion cites consistent opinions including JEAC 10-15, JEAC 09-15, JEAC 07-18, and JEAC 92-38.

JEAC 08-17 (Sept. 9, 2009) judge was prohibited from attending and receiving ORT America’s Jurisprudence Award Tribute. A judge may not be a speaker, guest of honor, or otherwise be featured at an organization’s fundraising event. See also JEAC Opinions 90-20, 99-09, 99-15, 01-09, 05-09, and 10-33.

JEAC 08-17: (Sept. 2008) – A judge may be a speaker at a fundraiser for a drug court since the event concerns the law, the legal system, or the administration of justice.
JEAC 2002-09: (June 3, 2002) A judge may not write a letter to a grant provider “which encourages the funding of a local nonprofit organization that provide victims of domestic violence with advocates.”

JEAC 2001-09: (May, 2001) – (1) A judge may help decorate a hall where a fund-raising event is to be held. (2) A judge may assist in setting the value of items to be auctioned at a fund-raising event. (3) A judge may donate items to be auctioned, but the source of the donation should not be noted by the organization. (4) A judge may not participate as a featured speaker at a fund-raising roast of a prominent local figure. (5) A judge may serve as an officer, including the presidency, of Rotary, but ‘hand the gavel’ to another officer if and when fund-raising is the subject of discussion. (6) A judge may not assist a non-profit organization in its fund-raising, auction off dinner and drinks for twelve in the judge’s home. (7) If the judge’s spouse chooses to hold such an event in the home of the judge the judge may not be present during the visit. (8) A judge who lives in a historical home may not allow charitable organizations to use the judge’s home for fund-raising purposes. (9) If the judge’s spouse decides to allow the charitable organization to use the judge’s home for fundraising events, the judge must vacate the home during such event.

JEAC: 95-28: (August 29, 1995) Judge not permitted as a Board member of local YMCA to participate in a presentation to the United Way (or other groups who might make contributions to the YMCA) informing the group of the YMCA’s purposes, programs and specifically, how those programs meet the needs of target groups which the United Way, or other groups, would like to support.

11. GEORGIA: Supreme Court Approved Revised Judicial Code effective June 1, 2016.

RELEVANT FUND RAISING PROVISIONS OF THE GEORGIA CODE OF JUDICIAL CONDUCT

Rule 3.7 Participation in Law-Related, Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
(A) Judges may engage in activities concerning the law, the legal system, and the administration of justice, provided that doing so will not interfere with the performance of their official duties or cast doubt on their capacity to impartially decide any issue.
(2) Judges may serve as members of an organization or governmental agency concerning the law, the legal system, or the administration of justice. Judges shall not give investment advice to such an organization, but they may serve on its board of directors or trustees and participate in its management, even when governance includes the responsibility for approving investment decisions.

(3) Judges may assist such organizations in raising funds, and may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice, but judges shall not personally solicit funds during public fundraising activities.

(B) Judges may participate in educational, religious, charitable, fraternal, or civic activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties.

(1) Judges may serve as officers, directors, trustees, or non-legal advisors of educational, religious, charitable, fraternal, or civic organizations not conducted for the economic or political advantage of their members, subject to the following limitations:
   (a) judges shall not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before them;
   (b) judges shall not serve if it is likely that the organization will be regularly engaged in adversary proceedings in any court; and
   (c) judges shall not give investment advice to such an organization, but they may serve on its board of directors or trustees and participate in its management, even when governance includes the responsibility for approving investment decisions.

(2) Judges shall not personally solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of their office for that purpose, but they may be listed as officers, directors, or trustees of such organizations.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE:

OP No. 186 (August, 1993) : In short, this Commission has consistently held that a judge may neither solicit funds nor permit the use of his name or the prestige of his office to be used for that purpose regardless of the objectives to be achieved. No valid reason appears which authorizes a departure from this well-established rule simply because the solicitation will be limited to fellow graduate judges. Accordingly, and with all due
deference to this laudable endeavor, the question posed must nevertheless be answered in
the negative.

*OP No. 161* (10/25/1991) Judge as Officer and Board member of a non-profit welfare
organization may participate in United Way meeting to consider funding requests and
participate in an activity connected with United Way which might be construed as having
some influence on the amount of allocation his agency receives.

*OP. NO. 117* (1988) – In appropriate for a judge to comply with a request to write a letter
to endorse a Nurturing Program of the Georgia Council on Child Abuse as an effective
means of preventing child abuse which should be enclosed with a letter soliciting
contributions. See also *OP Nos. 133 and 146.*

*OP. NO. 73* (September 13, 1985) Judge can serve on the Advisory Committee of the
Citizens for Better Libraries for Atlanta, but cannot solicit funds for the organization or
permit the use of his name for the prestige of his office for this purpose.

*OP. NO 43* (January 20, 1981) Judge should not be chairman or member a committee, of
for charitable purposes.

*OP. NO. 37* (1980): Judge may not serve as President of a Charitable foundation where
solicitation letter are sent out with his name as an officer of the organization and would
be appearing on a television or radio program in which donations are solicited or making
any statement to the news media in which donations are sought.

*OP. NO. 24* (FEBRUARY 25, 1978: The listing of the judge’s name on a letter seeking
contributions is not permitted.

*OP NO. 17, (October 27, 1977): Improper for judge to assume the Chairmanship of a
fund-raising drive within the membership of the Board of Deacons of the Presbyterian
Church; Improper for judge to serve as member of the Development Council to raise
funds to provide private financial support by the University of Georgia School of Law,
where he would be called upon to attend “two or three dinners and/or luncheons, give
occasional advice to campaign leaders and some help in stimulating the needed response
for a successful Campaign.”
OP NO. 15 (AUGUST 30, 1977): Judge, who is Chairman of the Board of Trustees of the Judicial College of Georgia, and members of the Board of Trustees, may not solicit fun for the education of the education of Georgia


RELEVANT FUND RAISING PROVISIONS OF THE HAWAII CODE OF JUDICIAL CONDUCT

Rule 3.7. PARTICIPATION IN EDUCATIONAL, RELIGIOUS, CHARITABLE, FRATERNAL, OR CIVIC ORGANIZATIONS AND PRO BONO ACTIVITIES

(a) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting in planning of fund-raising for the organization or entity and participating in the management and investment of the organization’s or entity’s funds;
(2) soliciting contributions* for such an organization or entity, but only from members of the judge’s family* or from judges over whom the judge does not exercise supervisory or appellate authority;
(4) speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but, if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

Code Comparison

The Hawai’i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.7(A) (4) by deleting “appearing [at]” an event.
(5) making recommendations to a public or private fund granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(A) will be engaged in proceedings that would ordinarily come before the judge; or
(B) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member; and

(7) donating, without attribution of judicial title, services or goods at fundraising events.

(8) participating in pro bono activities to improve the law, the legal system or the legal profession or that promote public understanding of and confidence in the justice system and that are not prohibited by this code or other law. Such pro bono activity may include activity that is related to judicial activity, but not required to fulfill the duties of judicial office.

Code Comparison

the Hawaiʻi Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.7 by adding paragraphs (7) and (8).

[1] The activities permitted by Rule 3.7(a) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that materially reflect adversely upon a judge’s independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office.

Code Comparison

The Hawaiʻi Revised Code of Judicial Conduct modifies ABA Model Code Comment [2] by adding “materially” and “temperament, or fitness to fulfill the duties of judicial office.”

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of Rule 3.7(a)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations, as long as the judge does so without using the judge’s title. Such activities are not solicitation and do not present an element of coercion or misuse the prestige of judicial office.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.
Examples of “pro bono activity . . . related to judicial activity, but not required to fulfill the duties of judicial office” include: (i) judging moot court for law school classes, high school mock trials or We the People competitions; (ii) giving speeches or presentations on law-related topics, such as (a) at the Judiciary’s Lunch and Learn the Law events, (b) to a bar association or section, or (c) to other groups, like high school civics classes or Rotary Club groups; (iii) serving on Judiciary committees, such as the rules committees; (iv) serving on the board of a law-related organization, such as the American Judicature Society, or delivering presentations on behalf of such organizations; or (v) serving on continuing legal education committees, Bar Association committees, and committees of the Access to Justice Commission.

(Amended February 11, 2010, effective July 1, 2010.)

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

FORMAL ADVISORY OPINION 03-98 (May 4, 1998)

1. A judge may serve on a committee whose focus is fund development
2. Judge may represent an organization in preventing financial condition (information) if the judge does not actually request any funds.
3. A judge may not sign a grant application for a non-profit organization on behalf of the organization.
4. If another office signs a fundraising letter, a judge’s name may appear on the stationery.
5. A judge may not be a speaker or guest of honor at a fund-raising event, but may attend the function.

13. ILLINOIS

RELEVANT FUND RAISING PROVISIONS OF THE ILLINOIS CODE OF JUDICIAL CONDUCT

Rule 65: Canon 5. A Judge Should Regulate His or Her Extrajudicial Activities to Minimize the Risk of Conflict With the Judge's Judicial Duties

B. Civic and Charitable Activities.
A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an
educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:
(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.
(2) A judge should not solicit or permit his or her name to be used in any manner to solicit funds or other assistance for any such organization. A judge should not allow his or her name to appear on the letterhead of any such organization where the stationery is used to solicit funds and should not permit the judge's staff, court officials or others subject to the judge's direction or control to solicit on the judge's behalf for any purpose, charitable or otherwise. A judge may be a speaker or the guest of honor at an organization's fund-raising events.

RELEVANT JUDICIAL ADVISORY OPINIONS

IJEC Opinion 10-01 (Sept. 16, 2010)

A judge may serve as the guest speaker or the guest of honor at a college fund-raising event and may permit his or her name, title, and biographical information to be included in the program, invitation, and other material promoting the event.

A judge’s college alma mater invites the judge to be the guest speaker at a fund-raising dinner. The college, a non-profit educational institution, is not engaged in matters that ordinarily come before the judge and is not regularly engaged in adversary proceedings in any court.

As amended in 2006, Illinois Supreme Court Rule 65 provides that a judge may serve as a speaker or guest of honor at a fund-raising event sponsored by an educational, religious, charitable, fraternal, or civic organization so long as the sponsoring entity is not conducted for the economic or political advantage of its members. Ill. Sup. Ct. R. 65B(2) (as amended May 24, 2006). Before the amendment, Rule 65 prohibited a judge from engaging in such activities. Ill. Sup. Ct. R. 65B(2) (as adopted Dec. 2, 1986); see IJEC Op. 99-5 (applying pre-amendment version of Rule 65B(2) to preclude a judge from speaking at high school’s fund-raiser); IJEC Op. 96-3 (finding that pre-amendment version of Rule 65B(2) prohibited a judge from serving as speaker or guest of honor at university’s fund-raiser). Under the current version of Rule 65B(2), the judge may serve as the guest speaker at a fund-raising event held by his or her alma mater.

While Rule 65 permits a judge to speak or be honored at a non-law-related charitable event, the Rule also provides: A judge should not solicit or permit his or her name to be used in any manner to solicit funds or other assistance for any organization. A judge should not allow his or her name to appear on the letterhead of any such organization where the stationery is used to solicit funds . . . .” Including the judge’s name and title in
promotional materials for the college’s fund-raiser could arguably be considered inconsistent with the provision of Rule 65B(2) prohibiting a judge from “permitting his or her name to be used in any manner to solicit funds” (emphasis added). The Committee, however, believes that it is unrealistic to interpret the Rule to authorize a judge to be a featured speaker or award recipient but to prohibit anyone from learning that fact before the event. In the natural course of charitable functions it is understood that the identity of the awardees and speakers will be publicized in advance. Indeed, in common usage, the term “guest of honor” is employed to describe the person in whose honor an event is held. An interpretation of Rule 65 which would preclude identifying the honoree on invitations or promotional material would be inconsistent with the very concept of a “guest of honor.”

Construing the various provisions of Rule 65B together, the Committee is of the opinion that the Rule does not prohibit the use of the judge’s name, title or accomplishments in invitations, advertisements, and other material traditionally employed in promoting a fund-raising event featuring a speaker or honoree. Of course, the invitation and promotional materials may not infer that the judge is personally promoting the event, detract from the dignity of the judicial office, or call into question the judge’s impartiality. See Ill. Sup. Ct. R. 65B.

IJEC Opinion No. 01-05 (May/1/2001): Even though a judge’s name is not used in any invitations or promotional materials, a judge may not be a guest of honor at a fundraising dinner for a civic organization that wishes to honor a judge for the judge’s work in a non-judicial organization.

IJEC Opinion No. 01-04 (May 1/2001) Because of fund-raising of the event, a judge cannot be a speaker, introduce the honoree or speaker, or be an honoree at the dinner. The event was a public dinner sponsored by a charitable organization for the purpose of receiving a plaque recognizing their commitment to public service. The price of the dinner tickets will only cover the cost of the food, but during the dinner “pledge cards” seeking financial donations will be distributed. Also, the keynote speaker will explain the work accomplished by the organization and urge the attendees to be generous in their support.

IJEC 97-15 (July 9, 1997) A judge may be president of cancer society, but may not solicit funds for the charity.

IJEC No. 96-04: (March 6, 1996): A judge may be a president of a church, temple or mosque but may not solicit funds for the church, temple or mosque.
**IJEC Opinion No. 94-9 (April 21, 1994)** – A judge may explain to a potential donor the activities and importance of an agency devoted to the improvement of justice. Rule permits judges to “assist” fundraising efforts of organization devoted to the improvement of the legal system. The NCJFCJ was planning a seminar in Chicago involving a national effort to improve the processing and approaches to domestic violence, and they need to raise money for that. The judge is a member of the NCJFCJ and is asked to meet with and explain the seminar to a potential donor. The judge will not ask for the donation; that will be left to someone else from the NCJFCJ.

**IJEC 1993-03 (September 21, 1993)** A judge’s name on college literature is permissible, even though it is included with a packet involved in fund raising.

12. **INDIANA** Adopted Revised judicial code effective 1/1/09.

**RELEVANT FUND RAISING PROVISIONS OF THE INDIANA CODE OF JUDICIAL CONDUCT**

**RULE 3.7: Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

(A) Except as provided by Rule 3.7(A)(2), a judge may not directly solicit funds for an organization. However, subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, volunteering services or goods at fund-raising events, and participating in the management and investment of the organization's or entity's funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may not be a featured speaker or guest of honor;
(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment
[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.

[3] Attendance at fund-raising events and volunteering services or goods at or in support of fundraising events do not present an element of coercion or abuse the prestige of judicial office and are not prohibited by this Rule.

[4] Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

[6] Judges, as parents, may assist their children in their fund-raising activities if the procedures employed are not coercive and the sums nominal.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

Advisory Opinion No. 1-96: Personal participation in fundraising events is not necessary prohibited so long as the activity does not raise concerns about coercion or exploitation of the judicial office, and does not demean the office, cast doubt on the judge’s impartiality, or interfere with the performance of judicial duties. The Commission members encourage judges to contact Commission staff for advice.
RELEVANT FUNDRAISING PROVISIONS OF THE IOWA JUDICIAL CODE:

Rule 51:3.7
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
(A) Subject to the requirements of rule 51:3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, the provision of legal services, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:
(1) assisting such an organization or entity in planning related to fund-raising, volunteering goods or services at fundraising events, and participating in the management and investment of the organization's or entity's funds;
(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;
(3) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, the provision of legal services, or the administration of justice;
(4) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, the provision of legal services, or the administration of justice; and
(5) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
   (a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(C) Subject to the requirements of rule 51:3.1, a judge may:

(1) provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of legal services, or the administration of justice.

(2) endorse projects and programs directly related to the law, the legal system, the provision of legal services, and the administration of justice to those coming before the courts.

(3) participate in programs concerning the law or which promote the administration of justice.

Comment

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.

[3] Attendance at fundraising events and volunteering services or goods at or in support of fundraising events do not present an element of coercion or abuse the prestige of the judicial office and are not prohibited by this rule.

[4] In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono publico legal work, and participating in events recognizing lawyers who have done pro bono publico work.
Judges, as parents, may assist their children in their fundraising activities if the procedures employed are not coercive and the sums nominal.

AUTHOR COULD NOT FIND ANY REPORTED JUDICIAL ADVISORY OPINIONS

17. KANSAS Supreme Adopted the Revised Model Code effective 3/1/09.

RELEVANT FUND RAISING PROVISIONS OF THE KANSAS CODE OF JUDICIAL CONDUCT:

RULE 3.7  
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities  
(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds;
(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;
(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;
(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and
(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations so long as such activities are not solicitation and do not present an element of coercion or inappropriately use the prestige of judicial office.

[4] The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons. Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead is appropriate so long as the letterhead is not used for fund-raising or membership solicitation.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE:

Judicial Ethics Opinion No. 151 (May, 16, 2007) A judge may not participate as a player or auctioneer in a golf tournament fund raiser where competition between players will involve money as well as fundraising.

Judicial Ethics Opinion JE 152 (May 17, 2007) A judge may serve on an Alumni Association Board of Directors so long as he does not solicit funds or offer advice as the Association is an educational organization.

Judicial Ethics Opinion JE 154 (July 2, 2007) A judge may serve on the Board of Trustees of the Kansas Bar Foundation so long as he does not solicit funds or offer legal advice as the foundation is an educational organization.

Judicial Ethics Opinion JE 147 (December 7, 2006) A judge has been nominated as one of five persons to be inducted into a hall of fame. The induction is to occur at a dinner. The proceeds raised from the dinner will help fund the business and ecumenic education of youth through innovative programs offered by a charity.
The attendance of the judge at this dinner as the inductee into the hall of fame would violate Canon 4C(4)(b) that provides a judge should not be “the guest of honor at an organization’s fund-raising events.”.

Judicial Ethics Opinion No. 18 (1987): A judge may not join with another law school classmate to solicit funds from other classmates to solicit funds for a class gift. Nor may judicial stationary be used in any way for such a purpose.

Judicial Ethics Opinion No. 16 (1986) – “A judge who is a member of the board of directors of a private, not-for-profit corporation, “….County Substance Abuse Services, Inc. may not participate in seeking grants for such corporation from charitable foundations whose purpose is to give away funds.”

18. KENTUCKY

RELEVANT FUND RAISING PROVISIONS OF THE KENTUCKY CODE OF JUDICIAL CONDUCT

CANON 4

CANON 4: A JUDGE SHALL SO CONDUCT THE JUDGE’S EXTRA-JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS

B. Avocational Activities. A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code.

Commentary
In this and other Sections of Canon 4, the phrase “subject to the requirements of this Code” is used, notably in connection with a judge’s governmental, civic or charitable activities. This phrase is included to remind judges that the use of permissive language in various Sections of the Code does not relieve a judge from the other requirements of the Code that apply to the specific conduct.

C. Governmental, Civic or Charitable Activities.

Commentary
Section 4C(2) does not govern a judge’s service in a nongovernmental position. See Section 4C(3) permitting service by a judge with organizations devoted to the improvement of the law, the legal system or the administration of justice and with educational, religious, charitable, fraternal or civic organizations not conducted for profit. For example, service on the board of a public educational institution, unless it were a law school, would be prohibited under Section 4C(2), but service on the board of a public law school or any private educational institution would generally be permitted under Section 4C(3).

(3) A judge may serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization
   (i) will be engaged in proceedings that would ordinarily come before the judge, or
   (ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.
   (iii) by reason of its purpose, will have a substantial interest in other proceedings in the Court in which the judge is a member or in any court subject to the appellate jurisdiction of the court in which the judge is a member.

Commentary
See Commentary to Section 4B regarding use of the phrase “subject to the following limitations and the other requirements of this Code.” Service by a judge on behalf of a civic or charitable organization may be governed by other provisions of Canon 4 in addition to Section 4C.

(b) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise: (i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities;
(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system or the administration of justice;

(iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fund-raising mechanism;

(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.

Commentary
A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system or the administration of justice or a nonprofit educational, religious, charitable, fraternal or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fund-raising mechanism. Solicitation of funds for an organization and solicitation of memberships similarly involve the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing or by telephone except in the following cases: 1) a judge may solicit for memberships other judges over whom the judge does not exercise supervisory or appellate authority, 2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves and 3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge’s signature. Use of an organization letterhead for fund-raising or membership solicitation does not violate Section 4C(3)(b) provided the letterhead lists only the judge’s name and office or other position in the organization, and, if comparable designations are listed for other persons, the judge’s judicial designation. In addition, a judge must also make reasonable efforts to ensure that the judge’s staff, court officials and others subject to the judge’s direction and control do not solicit funds on the judge’s behalf for any purpose, charitable or otherwise. A judge must not be a speaker or guest of honor at an organization’s fund-raising event, but mere attendance at such an event is permissible if otherwise consistent with this Code.

RELEVANT FUND RAISING JUDICIAL ADVISORY OPINIONS

Judicial Ethics Opinion JE-126 (August 13, 2014) A judge cannot be a member, and be on
the board of a group which will seek approval and funding for a “Recovery Kentucky” center located in a county where the judge sits. Recovery Kentucky’s stated corporate purposes primarily include reduction of chronic homelessness and to assist Kentuckians with chronic drug and abuse problems, including the facilitation of counseling and treatment. While these are worthy purposes and no doubt service of Recovery Kentucky’s Board would be a noble endeavor as would service on many public quasi governmental not for profit boards, it nonetheless would be device in a governmental position that is not connected with the improvement of the law or the legal system and otherwise fails to directly assist with the administration of justice

Judicial Ethics Opinion JE-31 (October 29, 1981). A judge may not serve on a church committee whose sole purpose is to oversee the solicitation of funds for the restoration of a church organ. Even if the committee members will be directing the project rather than soliciting funds, “…we believe that it is impossible to distinguish between the two phases of the project.”

20. LOUISIANA:

RELEVANT FUND RAISING PROVISIONS OF THE LOUISIANA CODE OF JUDICIAL CONDUCT

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice
A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:
C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

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

1. A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.
2. A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund-raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

[Amended effective February 12, 2003]

RELEVANT JUDICIAL ADVISORY OPINIONS:

*Louisiana Advisory Opinion 275 (August 3, 2016)* Not ethically permissible for a district court judge to allow an educational scholarship to be named in his honor because such a designation would necessarily require fund solicitation because in the judge’s name, which violates Canons 2B and 5B(2).

*Louisiana Opinion 274 (August 3, 2016)* Ethically permissible for a district court judge to be elected to serve on the Kiwanis Board of Trustees if said board will not be engaged in fundraising activities because a separate foundation board exists for that purpose if judge is not a fund-raising speaker or the guest of honor of at the organization’s fund-raising events.
**Louisiana Advisory Opinion No. 178 (August 8, 2011)** Ethically permissible for a judge to establish a legal defense fund committee for the purpose of obtaining funds to defray legal costs to defend against charges before the Judiciary Commission of Louisiana.

**Louisiana Advisory Opinion 233(August 9, 2011)** Not ethically permissible for a juvenile court judge to host a “Back to School Sport’s Day” event in his or her name by partnering with local businesses and community organizations that will donate, and solicit sponsors to donate, non monetary items necessary for the event; not permissible for the judge to host the event in the judge’s name by partnering with local businesses and community organizations that will donate, and solicit sponsors to donate, non monetary items necessary for the event, but can join a committee that will be hosted by local community organization; judge must not solicit funds.

Louisiana Advisory Opinion No. 174 (May 15, 2001) Judge can join the YooWho Coalition that provides education services, child advocacy services and speaking engagements on issues concerning children and families, but provisions against fund raising apply.

**Louisiana Advisory Opinion No. 212 (February 27, 2009)** Judge can serve on the board of directors of an interdenominational, Christian-based, nonprofit 501(c)(3) organization offering neighborhood outreach programs to empower spiritual transformation, education, and neighborhood revitalization but cannot solicit funds, be a fund-raising speaker or the guest of honor at the organization’s fund-raising events.

Louisiana Advisory Opinion No. 163(December 22, 1999) Judge can serve on the Board of Directors of the Friends Intensive Probation Drug Court, Inc., a non-profit, noon-stock corporation whose primary purposes are exclusively charitable and are to focus within and other Louisiana Communities on raising awareness of, and support for, the Intensive Probation Court but can not solicit funds, or be a speaker or guest of honor at fund raising events.

**Louisiana Advisory Opinion No. 133 (1996)** Judge may not sell or encourage people to buy pull tab tickets at a festival, the proceeds of which will be used for charitable and educational purposes.

**Louisiana Advisory Opinion No. 45(January 8, 1979)** Judge can become president of a councilor the Boy Scouts of America, provided that he does not become directly involved in the solicitation of funds.
Louisiana Advisory Opinion No. 34 (October 8, 1976) A judge may not participate as guests of honor at a political, religious, civic or educational fund-raising activity.

Louisiana Advisory Opinion No. 33 (October 1, 1976) Judge may not allow the user his name as sponsor of a political, religious, charitable, civic or educational fund-raising activity.

20. MAINE Supreme Court Adopted the Revised Model Code effective September 1, 2015.

RELEVANT FUND RAISING PROVISIONS OF THE MAINE CODE OF JUDICIAL CONDUCT

RULE 3.7
 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and ActivitiesSubject to the requirements of Rule 3.1, a judge may participate in activities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit as follows:

1. A judge may assist such an organization or entity in planning related to fund-raising and participating in the management and investment of the organization's or entity's funds.

2. A judge shall not personally participate in the solicitation of such funds or other fund-raising activities, except that a judge may:
   • Solicit funds from members of the judge's family or from other judges over whom the judge does not exercise supervisory or appellate authority;
   • Be listed as an officer, director, or trustee of such an organization on its fund-raising letters, but may not sign that letter or be listed as a judge or as honorable; and
   • Work at a fund-raising event so long as the judge's participation could not be reasonably perceived by others as directly soliciting funds.

3. A judge may solicit membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice.
4. A judge may appear or speak at, receive an award or other recognition at, be featured on the program of, and permit his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice.

5. A judge may make recommendations to such a public or private fund-granting organization or entity in connection with its projects and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice.

6. A judge may serve as an officer, director, trustee, or nonlegal advisor of such an organization or entity, or a governmental entity, unless it is likely that the organization or entity

   • a. Will be engaged in proceedings that would ordinarily come before the judge; or
   • b. Will be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

C. A judge's donation to a not-for-profit organization that accepts donations for the purpose of distributing the money collected, after the payment of expenses, to not-for-profit entities providing legal services to low income or elderly persons does not disqualify the judge from presiding over matters in which legal services are provided by those entities.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE

*Maine Judicial Advisory Opinion 02-2, issued July 15, 2002*
Judge may not serve on a “mini-capital campaign “committee to raise funds for the renovation of a local hospital.

*Maine Judicial Advisory Opinion 02-7 (Issued 11/19/2002)*
Judge may be a member of the Board of Directors of a nonprofit educational foundation or of a nonprofit home/school, or of a center which is the consolidation of a Boys/Girl club and YMCA.

*Maine Judicial Advisory Opinion 02-4, (issued 8/27/02)*
Judge may not speak at a luncheon to support collegiality and support for women in leadership, as well as to raise funds, the proceeds of which will benefit [a charitable organization].
Maine Judicial Advisory Opinion 96-10 (February 7, 1996) Judge may serve as an elected member of a charitable institution, a private, non-profit museum, but may not be allowed to be personally participate in fund raising-activities.

21. MARYLAND: Supreme Court Adopted Revised Model Code effective July 11, 2011

RELEVANT FUND RAISING PROVISIONS OF THE MAINE CODE OF JUDICIAL CONDUCT

3.7. PARTICIPATION IN EDUCATIONAL, RELIGIOUS, CHARITABLE, FRATERNAL, OR CIVIC ORGANIZATIONS AND ACTIVITIES

(a) Subject to the requirements of Rules 3.1 and 3.6, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration
of justice;
(5) making recommendations to such a public or private
fund-granting organization or entity in connection with its
programs and activities, but only if the organization or entity
is concerned with the law, the legal system, or the
administration of justice; and
(6) serving as an officer, director, trustee, or
nonlegal advisor of such an organization or entity unless it is likely that the
organization or entity:
   (A) will be engaged in proceedings that would
       ordinarily come before the judge; or
   (B) will frequently be engaged in adversary
       proceedings in the court of which the judge is a member, or in
       any court subject to the appellate jurisdiction of the court of
       which the judge is a member.

COMMENT

[1] The activities permitted by paragraph (a) generally
include those sponsored by or undertaken on behalf of public or
private not-for-profit educational institutions, and other
not-for-profit organizations, including law-related, charitable,
and other organizations.
[2] Even for law-related organizations, a judge should consider whether the membership
and purposes of the organization or the nature of the judge's participation in or
association with the organization would conflict with the judge's obligation to refrain
from activities that reflect adversely upon a judge's independence, integrity, and
impartiality.
[3] Mere attendance at an event, whether or not the event
serves a fund-raising purpose, does not constitute a violation of
paragraph (a)(4). It is also generally permissible for a judge
to serve as an usher or a food server or preparer, or to perform
similar functions, at fund-raising events sponsored by
educational, religious, charitable, fraternal, or civic
organizations. Such activities are not solicitation and do not
present an element of coercion or abuse the prestige of judicial
office.
Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

Source: This Rule is derived from Rule 3.7 of the 2007 ABA Code with some modifications. The Comments are derived from the ABA Comments to that Rule.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER NEW CODE:

**Opinion No. 2017-10 (June 8, 2017)** A judge may not participate in a charitable fund-raising home tour where the judge’s house would be on the tour, tickets would be sold for admission, and the event would be significantly publicized.

**Opinion Request No 2017-14 (June 20, 2017)** Judge may attend fund-raising events sponsored by not-for-profit charitable and educational organizations of which the Requestor is a board member.

**Opinion Request No. 2016-26 (August 25, 2016):** A judge may serve as chair of the development committee at a not-for-profit organization where the committee’s roles including fund-raising. The organization provides workforce development and educational services for women seeking employment in health care and allied fields. Judge may not participate in fund-raising activities.

**Opinion Request No. 2011-04 (April 4, 2011)** A judge may not serve as president of a civic organization that solicits funds from the public. While the organization has established a separate fundraising chairman, and the president would not directly ask any person to make a donation, the role of the organization’s president is “…to introduce the candidates to the community through interviews in the media and thanking them and donors at the annual event…” during which several candidates apparently in a competition, asking “…their friends for donations to buy equipment in their name.”

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE:

**Opinion Request Number: 2010-14 (October 8, 2010):** A judge may approach law firms and propose that the firms underwrite the compensation of an attorney to provide advocacy to victims of domestic violence. Judges can contribute to the
solution by facilitating and encouraging the provision of pro bono legal services. Recognizing this role, the Maryland Code of Judicial Conduct (Md. Rule 16-813) provides: “A judge may encourage but not coerce lawyers to provide pro bono public legal services.” Rule 3.7(b). Comment

*Opinion Request No. 2008-25 (January 30, 2009):* A judge may sit on the Board of Directors of the Good Shepherd Center, a residential treatment facility for adolescent girls serving the State of Maryland. The judge is largely prohibited from securing outside resources for the organization, participating in the solicitation of funds or other fundraising activities, and lending or using the prestige of judicial office for fund-raising.

*Opinion Request Number: 1988-01 (August 16, 1988):* A judge may not serve on Board of Community College Foundation Devoted Primarily to Fund-Raising for College. As a member of a 5 person board, “The Board’s responsibilities include establishing priorities of areas to be supported by private donations leadership by giving personal support to the Foundation, enrolling volunteer workers, soliciting gifts when appropriate…”

*Opinion Request Number 1984-04 (August 31, 1984):*
1. A judge may not allow general counsel for a judicial education institute to write letters to potential funders which lists the judge as one who is willing to answer questions about the institution.
2. The judge may not attend a reception or dinner for “acquaintance and orientation” purposes where those in attendance will be asked for contributions shortly thereafter. The judge is being invited for the purpose of creating a favorable impression in the eyes of potential contributors.

22. **Massachusetts:** Supreme Court Adopted the Revised Code effective January 1, 2016.

**RELATIVE FUND RAISING PROVISIONS OF THE MASSACHUSETTS CODE OF JUDICIAL CONDUCT**

**Rule 3.7 Participation in legal, educational, religious, charitable, fraternal, or civic organizations and activities**

(A)
Subject to the requirements of Rule 3.1, a judge may participate in activities of or sponsored by or on behalf of (i) legal, educational, religious, charitable, fraternal, or civic organizations, which are not conducted for profit, or (ii) governmental entities concerned
with the law,* the legal system, or the administration of justice. Permitted participation includes but is not limited to the following:

(1)
A judge may serve as a member of the organization.

(2)
A judge may plan and attend events and activities of the organization.

(3)
A judge may participate in internal discussions related to fundraising. However, a judge shall not otherwise participate in fundraising, and shall not manage or invest funds belonging to or raised by the organization unless the organization is composed entirely or predominantly of judges and exists to further the educational or professional interests of judges.

(4)
A judge shall not solicit contributions or members for the organization, except that a judge may solicit contributions or members from members of the judge’s family* or from judges over whom the judge does not exercise supervisory or appellate authority.

(5)
A judge may serve as an officer, director, trustee, or nonlegal advisor of the organization, unless it is likely that the organization:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(6)
A judge may serve as a keynote or featured speaker at, receive an award or other comparable recognition at, be featured on the program of, and permit the judge’s title to be used in connection with the promotion of an organization’s event that is not a fundraising event,* but shall not do so at a fundraising event* except as permitted in Paragraph (6A).

(6A)
A judge may serve as a keynote or featured speaker at, receive an award or other comparable recognition at, be featured on the program of, and permit the judge’s title to be used in connection with the promotion of a fundraising event* only if the event is sponsored by an organization concerned with the law,* the legal system, or the administration of justice, and that organization promotes the general interests of the
judicial branch of government or the legal profession, including enhancing the diversity and professionalism of the bar.

(7)
A judge may make recommendations to public or private fund-granting organizations or agencies for programs and projects, but only on behalf of organizations that are concerned with the law,* the legal system, or the administration of justice.

(C)
A judge may, as a parent or guardian, assist minor children in their fund-raising activities if the procedures employed are not coercive and the sums solicited are modest.

Comment

[1] This Rule governs a judge's participation in a variety of activities sponsored by organizations not conducted for profit, whether public or private, and by governmental entities (collectively referred to as “organizations”). Paragraph (A) identifies the types of organizations covered by this Rule. Examples include bar associations, other not-for-profit private organizations, and court-created commissions. The first clause of Paragraph (A), “subject to the requirements of Rule 3.1,” emphasizes that even with respect to activities that are explicitly permitted by Rule 3.7, a judge must always consider whether participation would violate Rule 3.1.

[1A] In considering whether participation in any extrajudicial activity would violate Rule 3.1, a judge should consider all relevant factors, including the membership and purposes of the organization, the nature of the judge’s participation in or association with the organization or event, whether the organization or its members typically advocate on one side of issues before or likely to come before the court of which the judge is a member or any court subject to the appellate jurisdiction of the court of which the judge is a member, and the number, diversity, and identity of the financial supporters of the organization or sponsors of a particular event. Although activities permitted under this Rule must be of or sponsored by an organization not conducted for profit, this requirement does not preclude the judge from participating in events of an organization that receives sponsorship or financial support from for-profit entities. A judge must avoid giving the impression that the organization, its members, or an event’s sponsors are in a special position to influence the judge, and, where appropriate, a judge must avoid giving the impression that the judge favors the organization’s mission.

[1B] The Code explicitly encourages certain activities where the nature of a judge's participation will promote public understanding of and confidence in an independent* judiciary, foster collegiality among the bar and communication and cooperation between
the judiciary and the bar, enhance the judge’s ability to perform judicial or administrative duties, or otherwise further the goals of the courts. See, e.g., Rule 1.2, Comments [4] and [6]. So, for example, judges are encouraged to speak about the administration of justice to not-for-profit groups, including business and community groups and bar associations.

Such speaking engagements ordinarily will not raise an issue under Rule 3.1 even when an event or program is held in space provided by a law firm or is financially supported or sponsored by one or more for-profit entities, such as law firms or legal vendors, that do substantial business in the court on which the judge sits. If, however, fundraising is a chief objective of the event or program, Paragraph (A)(6A) governs whether a judge may be a keynote or featured speaker. Giving a presentation at an educational conference where the judge’s involvement would help to further the goals of the court system is another example of encouraged participation. Such participation would not ordinarily raise an issue under Rule 3.1 even when the conference is financially supported or sponsored by organizations or vendors that do business in the court on which the judge sits.

[2] The restrictions in Paragraph (A)(4) are necessary because, depending on the circumstances, a judge’s solicitation of contributions or members for an organization might create the risk that the person solicited would feel obligated to respond favorably or would do so to curry favor with the judge. However, a judge may be identified by name and title as an organization’s officer, director, trustee, non-legal advisor, or member on websites, emails, letterhead, and any other communication materials created and issued by others within the organization to solicit or accept donations or to enroll members so long as comparable designations are used for other persons.

[3] As used in Paragraphs (A)(6) and (A)(6A), a fundraising event is one for which the organizers’ chief objectives include raising money to support the organization's activities beyond the event itself. Unless that is the case, an event is not a fundraising event, even if the revenues ultimately exceed the cost. A judge may attend a fundraising event but may not participate in additional activities except as permitted by Paragraph (A)(6A). However, a judge who attends a fundraising event is not in violation of this Rule merely because a laudatory reference to or about the judge, not announced in advance, is made at the event.

[4] Paragraph (A)(6A) permits a judge to participate in additional activities (e.g., being a featured speaker or receiving an award) at fundraising events of or sponsored by organizations concerned with the law, the legal system, or the administration of justice that serve the general interests of the judicial branch of government and the legal profession, including organizations that enhance the diversity and professionalism of the bar. The nature of such organizations makes it unlikely that a judge’s involvement would
reflect adversely upon that judge’s independence,* integrity,* or impartiality.*

Organizations concerned with the general interests of the judicial branch of government and the legal profession include general purpose and affinity bar associations (e.g., county bar associations, bar associations composed exclusively or primarily of members of an ethnic group, bar associations specializing in particular practice areas but whose members take positions on both sides of disputed issues), organizations dedicated to enhancing the professionalism of the judicial branch (e.g., the National Center for State Courts), and organizations composed entirely or primarily of judges (e.g., the Massachusetts Judges Conference, the Flaschner Judicial Institute),….

[7] Paragraph (C) is intended to allow a judge to participate in a child’s normal, daily activities. Thus, for example, a judge may accompany the judge's child while the child sells Girl Scout cookies or collects UNICEF donations, or may work at a refreshment stand at a school-sponsored sports event intended to raise money to finance a class trip. On the other hand, this provision does not permit a judge to participate in fundraising activities for the primary or exclusive benefit of the judge’s own child, such as raising funds so that the judge's child may participate in a school-sponsored trip. The word “assist” is intended to convey that a judge should not engage in direct solicitations on behalf of the child other than from members of the judge’s family.* A judge may not, for example, sell Girl Scout cookies in the workplace.

Adoption of the new Code of Judicial Conduct may render certain opinions decided under the Code as it existed priori January, 2016 no longer valid or appropriate. A judge should not rely on any pre-2016 CJE Advisory Opinion without contacting Supreme Court Senior Attorney Barbara F Berenson, counsel to the Committee on Judicial Ethics, at barbara.Berenson@jud.state.ma.us or 617-557-1048, Letter Opinions of the Committee on Judicial Ethics.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER NEW CODE

CJE Opinion No. 2016-02(2/24/02: Judge may serve on the Board of Trustees of a non-profit private school attended by her/his children, and may participate in the Board’s internal discussions related to fundraising, but may not otherwise participate in the fund raising from within or outside of the school community, or the management of or investment of funds.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE
CJE Opinion 2006-5: Judge may “…write a letter for SAFEPLAN (a victims’ assistance program that provides optional and practical assistance to petitioners for abuse prevention orders), but the letter must be limited to stating objectively the facts and the benefits SAFEPLAN’s presence in your court provides to the administration of justice – such as freeing up court personnel, helping to preserve the neutrality of the court, and assistance to pro se litigants. Your letter may not advocate for funding, and you should be careful that the language does not convey the appearance of favoritism of any kind.”

CJE Opinion No. 2005-3(March 20005): Judge may serve as Member and Officer of Inn of Court which engages in solicitation of contributions from non-inn members, provided that he does not Participate in the planning or execution of those solicitations.

CJE Opinion No. 4: (Check this important citation )Judge, as member of a task force created by the Chief Justice of the Supreme Court, created “to explore and implement pilot programs to reinvent the justice system with community input and guidance” may not have any contact with potential donors, either by personally soliciting funds or by signing solicitation. At issue here was an application to the National Center for State Courts.

23. MICHIGAN: Michigan Adopted Revised Code of Judicial Conduct effective February 28, 2018

RELEVANT FUND RAISING PROVISIONS OF THE MICHIGAN CODE OF JUDICIAL CONDUCT:

CANON 4
A Judge May Engage in Extrajudicial Activities

A judge may engage in the following activities:

A. Law-related Activities.

(1) A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

(3) A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the
administration of justice. A judge may participate in the management and investment of such an organization's funds.

(4) A judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

**B. Avocational Activities.** A judge may write, lecture, teach, speak, and consult on nonlegal subjects, appear before public nonlegal bodies, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office or interfere with the performance of judicial duties.

**C. Civic and Charitable Activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve and be listed as an officer, director, trustee, or nonlegal advisor of a bona fide educational, religious, charitable, fraternal, or civic organization. A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

**D. Fundraising Activities.** A judge should not individually solicit funds for any educational, religious, charitable, fraternal, or civic organization or any organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice or use or permit the use of the prestige of the office for that purpose. A judge may, however, serve as a member of an honorary committee or may join a general appeal on behalf of such an organization. A judge may speak at or receive an award or other recognition in connection with an event of such an organization. A judge may allow his or her name or title to be used in advertising the judge's involvement in an event so long as the judge does not individually solicit funds.

**RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE:**

**JI-139:** (*October 21, 2013*): Judge may not serve as a board member of a nonprofit or charitable organization that directly supports a problem-solving court where the sole purpose of the organization is to raise money for court’s own court-ordered programs.
A judge may serve as a member of an honorary committee or may join a general appeal on behalf of a charitable organization and may speak at or receive an award or other recognition in connection with an event of such an organization and a judge may allow his or her name or title to be used in advertising the judge's involvement in an event so long as the judge does not individually solicit funds. Allowing the use of the prestige of the judge's office does not create an appearance of impropriety.

A judge may not serve as an officer, director, trustee, or nonlegal advisor of a charitable or non-profit organization if the organization is regularly engaged in adversary proceedings before any court or is likely to be engaged in proceedings that would ordinarily come before the particular judge. Engaged in proceedings includes, but is not limited to, providing testimony or documentary evidence to the court or participating in case status conferences in certain types of cases on a regular basis.

Nor may a judge serve as an officer, director, trustee, or nonlegal advisor of a charitable or non-profit organization where the sole purpose of the charitable or non-profit organization is to raise money for court's own court-ordered programs.

References: MCJC 2, 2A, 2C, 4, 4C, 4D, 5; JI-66 Michigan JI-140 January 31, 2004. This opinion replaces JI-12, which was repealed and withdrawn by the Standing Committee on Judicial Ethics on January 31, 2014.

A judge may serve as a member, officer or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice and in that capacity or otherwise may make recommendations to the organization or agency on projects or programs of the organization or agency. This would include the recommendations for the award of grant money to applicants for the grant.

JI-33, (December 19, 1990:) A judge may not personally solicit funds on behalf of any charitable organization. An organization of judges may retain a non-judge executive director to solicit funds for the organization's charitable and educational activities.

MCJC 5B(2) prohibits a judge or other judicial officer, such as referee or magistrate, from individually soliciting funds for any educational, religious, charitable, fraternal or civic organization, and from permitting the use of the prestige of the judge's office for that purpose. However, a judge may be listed as an officer, director, or trustee of the organization, and a judge may join a general appeal on behalf of an educational, religious, charitable, or fraternal organization. In J-1, the Committee stated:

"A judge may not personally solicit funds for an educational, religious, fraternal or civic/charitable organization or cause. Speeches, broadcasts, or other communications where the judge asks others to contribute would therefore be improper. This would apply whether or not the judge is identified by judicial title.

"A judge may be a member of an educational, religious, fraternal or civic/charitable, fund-raising committee as long as the judge does not individually solicit money (CI-641).
MCJC 5B permits a judge to serve as director or trustee of charitable or civic organizations. It follows that the canon permits a judge to be identified by name and judicial office on a letterhead, in circulated literature or in any other communications disseminated by the organization of which the judge is a member. There is no prohibition against the organization circulating fund-raising letters on such letterhead, provided the judge is not the sole signator of the letter (CI-641).

"MCJC 5B(2) does allow a judge's participation in appeals on behalf of educational, religious, fraternal or civic/charitable organizations. Thus, if a board or committee sends a mailing to a variety of people who are known to support the organization, the presence of the judge's name on that letterhead or as one of several signators would not be improper (CI-641)."

If the organization's fund-raising letter is signed by someone other than one of its members, and the organization's members do not personally participate in the solicitation, the organization's solicitation for charitable and educational purposes does not violate MCJC 5B(2).

References: MCJC 5B(2); J-1; CI-351, CI-633; JTC A/O 54; ABA i603.

*J-8 (July 19, 1989)*

A judge may participate in civic and charitable activities which meet the following limitations and/or criteria:

1. The activities may not detract from the dignity of the judicial office.
2. The activities may not interfere with the performance of judicial duties.
3. The activities may not reflect adversely on the judge's impartiality.
4. The activities may not give the appearance of impropriety.
5. The judge may serve and be listed as an officer, director, trustee or nonlegal advisor of a bona fide educational, religious, charitable, fraternal or civic organization and serve as a member of an honorary committee or join a general appeal of such an organization only if: (a) it is unlikely that the organization will be engaged in proceedings that would ordinarily come before the judge; (b) it is unlikely the organization will become engaged in adversary proceedings in any court; (c) the judge does not personally solicit funds; and (d) the prestige of the judicial office is not used for solicitation of funds or membership.
6. The judge may speak at or receive an award in connection with an event of a educational, religious, charitable, fraternal or civic organization, and even allow his or her name or title to be used in advertising the event, but may not individually solicit funds.

References: MCJC 2A, 4B, 4C, 4D; CI-641.
24. **MINNESOTA:** Supreme Court Adopted the Revised Code effective July 1, 2009.

**Code of Judicial Conduct**

**CANON 3**

*A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.*

**Rule 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

1. assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;
2. soliciting funds and services for such an organization or entity, but only from members of the judge's family, from a person with whom the judge has an intimate relationship, or from judges over whom the judge does not exercise supervisory or appellate authority;
3. soliciting membership for such an organization or entity, if there are no dues or fees required for membership;
4. appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if (a) the event concerns the law, the legal system, or the administration of justice, (b) the judge does not encourage persons to buy tickets for or attend the event or to make a contribution except as provided in paragraph (A)(2) of this rule, and (c) participation does not reflect adversely on the judge's independence, integrity, or impartiality;
5. making recommendations to an organization or entity of which the judge is a member or director concerning its fund-granting programs and activities; and
6. serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

RELEVANT JUDICIAL ADVISORY OPINIONS BEFORE THE NEW CODE

2007: Appropriate for judge to serve as chairperson of an organization promoting efforts to apply “progressive spiritual principles to the needs in or community and nation…our families, work places, and political lives,” so long as the judge avoids fundraising activities, public speaking or writing that implies commitment to a causer causes that may come before the court for adjudication, and makes reasonable efforts to protect the judicial office from association with the extra-judicial activities

2007: Inappropriate for a judge to permit a religious group to announce jude’s speaking engagement in a writing that also includes a solicitation for funds.

2003, Inappropriate for judge to raise non-governmental funds for court related projects

2003 Inappropriate for a judge to sign a letter or endorse a grant application that could advance the commercial or other interest or any person or organization, no matter how
worthy the cause or how closely related to the law, the legal system or the demonstration of justice. However, it is appropriate for a judge to prepare and sign a grant application seeking funds from a governmental entity in the regular course of official judicial duties. *Canons 1, 2A, 2B, 4C(3)(b)*, 2002-1980, Inappropriate for a judge to co-chair a committee to solicit funds for a county bar foundation.

2003 Inappropriate for a judge to sign a letter or endorse a grant application that could advance the commercial or other interest or any person or organization, no matter how worthy the cause or how closely related to the law, the legal system or the demonstration of justice. However, it is appropriate for a judge to prepare and sign a grant application seeking funds from a governmental entity in the regular course of official judicial duties. *Canons 1, 2A, 2B, 4C(3)(b)*

2002, Inappropriate for judges to be subject of articles brochures for charitable organizations for fundraising purposes.

1995, Inappropriate for judge to write a letter in support of the Kids Network for use in the network’s fundraising activities.

1994, Appropriate for Ninth District Judges to join in signing a joint resolution supporting an application for a federal agency grant for a local training center. *Canon 4C.*

1988, Inappropriate for judge to sign a letter soliciting funds for a rape and abuse crisis center. 1985, Appropriate for a judge to be involved in and serve on the board of a non-profit foundation formed to consider the role of women as lawyers and judges and the improvement of the judicial system so long as judges do not participate in fundraising activities and all fundraising activities are performed by a contract fundraiser.

1985, Appropriate for a judge to be involved in and serve on the board of a non-profit foundation formed to consider the role of women as lawyers and judges and the improvement of justice so long as judges do not participate in fundraising activities and all fundraising activities are performed by a contract fundraiser.

25. MISSISSIPPI: Site would not allow the description or the Mississippi Code of Judicial Conduct and no Judicial Advisory Opinions are listed on the site


No Judicial Advisory Opinions are reported on the site.
RELATIVE FUND RAISING PROVISIONS OF THE MISSOURI CODE OF JUDICIAL CONDUCT

RULE 2-3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) A judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice or of an educational, religious, charitable, fraternal, or civic organization, not conducted for profit, subject to the following limitations and the other requirements of this Rule 2.

(1) A judge may assist such an organization in planning fund-raising and may participate in the management and investment of the organization’s funds but shall not personally participate in the solicitation of funds or other fund raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority.

(2) A judge shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or, except as permitted in Rule 2-3.7(A)(1), if the membership solicitation is essentially a fund-raising mechanism.

(3) A judge may make recommendations to public and private fund-granting organizations on projects and program concerning the law, the legal system or the administration of justice.

(4) A judge shall not serve as an officer, director, trustee or nonlegal advisor if it is likely that the organization:
   (a) will be engaged in proceedings that would ordinarily come before the judge
   (b) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(5) A judge as an officer, director, trustee or nonlegal advisor or as a member or otherwise shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.
Comment

[2] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[3] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule 2-3.7. The letterhead may list the judge’s title or judicial office comparable designations are used for other persons.

27. MONTANA: Supreme Court Adopted the Revised Code effective January 1, 2009. No Judicial Advisory Opinions are reported on the site.

RELEVANT FUND RAISING PROVISIONS OF THE MONTANA CODE OF JUDICIAL CONDUCT

RULE 3.7
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law,* the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:
(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds;
(3) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with a non-fund-raising event of such an organization or entity;
(4) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(5) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(6) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(7) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting her or his title to be used in connection with a fund-raising event of an organization which concerns the law, the legal system, or the administration of justice.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule if comparable designations are used for other persons.


RELEVANT FUND RAISING PROVISIONS OF THE NEBRASKA CODE OF JUDICIAL CONDUCT
§ 5-303.7. Participation in educational, religious, charitable, fraternal, or civic organizations and activities.

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the fund-raising is incidental or the event concerns the law, the legal system, or the administration of justice; provided participation does not reflect adversely on the judge's independence, integrity, or impartiality.

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(C) Subject to the preceding requirements, a judge may:

(2) Endorse projects and programs directly related to the law, the legal system, the administration of justice, and the provision of services to those coming before the courts, and may actively support the need for funding of such projects and programs.

(3) Participate in programs concerning the law or which promote the administration of justice.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations. An organization concerned with the law, the legal system, and the administration of justice
may include an accredited institution of legal education, whether for profit or not for profit. A charitable organization may include a private family foundation which exists for charitable purposes.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

[6] A judge may be an announced speaker at a fund-raising event benefiting indigent representation, scholarships for law students, or accredited institutions of legal education.

[7] A judge may speak, write, lecture, teach and participate in other extrajudicial activities concerning the law, the legal system, the administration of justice and nonlegal subjects, subject to the requirements of this Code.

RELEVANT JUDICIAL ADVISORY OPINIONS AFTER NEW CODE: JUDICIAL

*Nebraska Ethics Advisory Opinion 11-2:* Judge may serve as an ex officio member of Director’s for the National Safety Council Greater Omaha Chapter provided that the judge’s name does not appear on any documents for fundraising activities as set forth at Neb. Rev. Code of Judge of Judicial Conduct. Judge’s name should not appear on any documents for fundraising.

RELEVANT JUDICIAL ADVISORY OPINIONS BEFORE NEW CODE:

*Nebraska Judicial Ethics Committee Opinion 09-1:* The judge and his wife may contribute to a Foundation that they created and may attend the fundraiser for the Foundation. The judge may not participate personally in the solicitation of the funds or other fundraising activities for the Foundation. The judge should remove his name and
pictures and any reference to his participation in the creation of the Foundation from the Foundation Web if the Web site is used to facilitate the solicitation of funds. The judge should not participate in an annual fundraiser for the local community theater by performing at the event.

_Nebraska Ethics Advisory Opinion 07-03:_ A judge has received a letter soliciting funds using the judge’s name and judicial name and judicial title. The judge may not allow the prestige of office for fundraising purposes. The judge should demand that his quote, name, and title be removed from the solicitation letter.

_Nebraska Judicial Ethics Committee Opinion 07-1:_ A judge may not introduce the key speaker at an event which is primarily commemorative but at which a fee is charged to attendees to cover the cost of the meal and excess funds are used for a scholarship fund for the benefit of a particular group.

_Nebraska Ethics Advisory Opinion 03-05:_ A judge may participate as a member of a gala ball committee for a charitable organization where the judge’s participation limited to organizing, the judge’s name would not appear on any literature, on any literature regarding the fund-raising activity, and the judge would not personally solicit any funds. The judge should not be recognized, give speeches, or be singled out in any way at any fund-raising events, issue press releases related to a fund-raising campaign, or make any other public speeches or presentations related to the organization’s fund-raising activities.

_Nebraska Ethics Advisory Opinion 98-04_
A judge may write a letter of support for a funding grant on behalf of an agency providing support and assistance for the victims of crimes and for a Court Appointed Special Advocate (CASA) agency. This committee has counseled within the past year that judges must avoid membership in or official involvement with victim witness, victim's assistance, or CASA programs. See Nebraska Ethics Advisory Opinion 97-6. That opinion, however, expressly allows a judge to endorse and promote the concept of victim advocacy programs so long as the judge avoids direct involvement with any particular organization.

29. **NEVADA** Supreme Court Adopted the Revised Model Code effective January 1, 2010.
RELEVANT FUND RAISING PROVISIONS OF THE NEVADA CODE OF JUDICIAL CONDUCT

Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities.

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds, and assisting in fund-raising, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice, and the judge does not personally solicit funds other than as permitted by Rule 3.7(A)(2);

(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if his or her activities would not appear to a reasonable person to be coercive or an abuse of the prestige of judicial office. If the event does not concern the law, the legal system, or the administration of justice, the judge must also be a member of the organization or have had a close association with the organization or the event being celebrated;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT
The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions and other not-for-profit organizations, including law-related, charitable, and other organizations.

Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely upon a judge’s independence, integrity, and impartiality.

Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). But before participating in other activities, a judge should analyze the overall event and evaluate whether the judge’s activities may be viewed as coercive or an abuse of the prestige of judicial office.

For law-related organizations only, a judge may be listed as a host or member of an honorary dinner committee for an organization or entity’s fund-raising or member solicitation event, and also may be a speaker or guest of honor at such an event. Otherwise, a judge may not be a speaker or guest of honor at an event that is primarily for fund-raising or serve on an honorary dinner committee for an organization’s fund-raising event, unless the judge is a member of the organization or has had a close association with the organization or the event being celebrated, or is a close friend of the person being honored. The judge, however, should not use his or her title when serving on any such committee, unless comparable designations are listed for other persons. Paragraph (A)(3) precludes a judge from soliciting membership for any organization or entity except those concerned with the law, the legal system, or the administration of justice.

Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons. In addition, a judge must also make reasonable efforts to ensure that the judge’s staff, court officials, and others subject to the judge’s direction and control do not solicit funds on the judge’s behalf for any purpose, law-related or otherwise.

RELEVANT FUND RAISING OPINIONS OF THE NEVADA CODE OF JUDICIAL CONDUCT ISSUED AFTER NEW CODE:

Advisory Opinion JE13-004 (July 18, 2014): A judge may volunteer to work in a concession stand at various public events where a percentage of the proceeds from the sales are used to raise funds for a nonprofit organization for a child’s sports team.
Advisory Opinion JE-13-006 (October 24, 2013): A retired judge still active serving as a senior judge may agree to have his name listed on an invitation to a fund raising event hosted by a nonprofit to raise money for an at-risk youth center named in honor of the judge.

Advisory Opinion JE12- (August 21, 2012): A judge may not solicit donations of cash, gift cards, or other merchandise to be used for participants in a court administered drug court program, but may accept unsolicited donations. Opinion JE98-002: Although a judge may solicit membership to certain organizations, a Judge cannot permit his name to appear on promotional material of a charitable organization when the purpose is to raise funds for a particular charitable event (a celebrity golf tournament for a national charity).

Advisory Opinion JE11-014 (November 16, 2011): A judge may not contact vendors or sponsors to seek donations, monetary or otherwise, to support the Nevada Judicial Leadership Summit Program convened by the Supreme Court.

RELATIVE FUND RAISING OPINIONS ISSUED BEFORE NEW CODE:

Advisory Opinion: JE 09-005 (September 22, 2009): Judge may serve as honorary member of Board of Directors of a non-profit organization promoting events to raise public awareness of human trafficking.

Opinion JE06-012 (August 29, 2006): Juvenile probation is co-sponsoring a basketball tournament which is open to the members of the public. The registration fees of the entrants will go to the county juvenile alcohol and drug treatment programs. The juvenile court judge is the only one in his/her district and works closely with the probation department. The judge is not helping to raise funds and is not involved with the local non-profit group which is co-sponsoring the event. It is “ethical” for the probation department, which is in his/her district court.

Opinion JE01-003 (April 5, 2001): A Nevada judge may not serve on a “Honorary Dinner Committee of” a charitable fund-raising event to honor a deceased jurist who was the founding president of the organization for medical research where the invitations which will list an “Honorary Dinner Committee” which will consist of judges from the same court or community in which the deceased judge presided and practiced law and the
judicial positions of the “Honorary Dinner Committee” will be indicated by the use of the abbreviation “Hon” before the judge’s name.

*Amended Opinion JE00—04 (April 10, 2000)*—Judge may allow his name to be listed on directed to local attorneys asking them to appear at a reception hosted by the listed judge and thereafter to attend the event (an event to raise funds for legal service organizations providing pro bono services in Nevada).

*Opinion: JEOO-007(October 25,2000)*: A family court judge may serve on the board of directors of a non-profit organization whose purpose is to assist at-risk youth. The judge’s name may appear on the organization’s letterhead which may be used for fund-raising purposes, provided the letter lists only the judge’s name and office or other position in the organization, and if comparable designations are listed for other persons, the judge’s designation.

*Opinion: JE 99-003(June 7,1999)*: Ethical violation for judge as Welfare Chairman of his church to solicit funds from the congregation for specific charities. He also is provide with the sum of $10,000 from the congregation which he is authorized to distribute to charities. He does not use his judicial title in the solicitation letters, but the congregation knows that he is judge.

30. **NEW HAMPSHIRE**: Supreme Court Adopted the Revised Code effective April 1, 2011.

**CANON 4**

**A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS**

A. Extra-judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

1. cast reasonable doubt on the judge's capacity to act impartially as a judge;
(2) demean the judicial office; or

(3) interfere with the proper performance of judicial duties.

Commentary:

Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives.

C. Governmental, Civic or Charitable Activities.

Commentary:

(3) A judge may serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

Commentary:

Section 4C(3) does not apply to a judge's service in a governmental position unconnected with the improvement of the law, the legal system or the administration of justice; see Section 4C(2).

Service by a judge on behalf of a civic or charitable organization may be governed by other provisions of Canon 4 in addition to Section 4C. For example, a judge is prohibited by Section 4G from serving as a legal advisor to a civic or charitable organization.
(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization

   (i) will be engaged in proceedings that would ordinarily come before the judge, or

   (ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Commentary:

The changing nature of some organizations and of their relationship to the law makes it necessary for a judge regularly to reexamine the activities of each organization with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation. For example, in many jurisdictions charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

(b) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:

   (i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities;

   (ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system or the administration of justice;

   (iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the
membership solicitation is essentially a fund-raising mechanism;

(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation;

(v) may, notwithstanding the foregoing, solicit funds from sources outside the State on behalf of an organization of judges of which the judge is a member for the purposes of judicial education and the improvement of the judicial system, and solicit funds from governmental agencies and nonprofit organizations for programs to improve the administration of justice.

Commentary:

A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system or the administration of justice or a nonprofit educational, religious, charitable, fraternal or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fund-raising mechanism. Solicitation of funds for an organization and solicitation of memberships similarly involve the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing or by telephone except in the following cases: 1) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves; 2) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge's signature; (3) a judge may solicit funds from sources outside the State on behalf of an organization of judges of which the judge is a member for the purposes of judicial education and the improvement of the judicial system; and (4) a judge may solicit funds from governmental agencies and nonprofit
organizations for programs to improve the administration of justice.

Use of an organization letterhead for fund-raising or membership solicitation does not violate Section 4C(3)(b) provided the letterhead lists only the judge's name and office or other position in the organization, and, if comparable designations are listed for other persons, the judge's judicial designation. In addition, a judge must also make reasonable efforts to ensure that the judge's staff, court officials and others subject to the judge's direction and control do not solicit funds on the judge's behalf for any purpose, charitable or otherwise.

A judge must not be a speaker or a guest of honor at an organization's fund-raising event, but mere attendance at such an event is permissible if otherwise consistent with this Code.

RELEVANT FUND RAISING OPINIONS AFTER NEW CODE OF JUDICIAL CONDUCT

None

RELEVANT FUND RAISING OPINIONS BEFORE NEW CODE:

DOCKET NUMBER 2002-ACJE-09 (10/15/2003): The judge is an officer and president of a non-profit charitable organization. The judge's name may appear on the letterhead of the non-profit charitable organization, but the judge may not be listed in the body of the letter of solicitation as a contact persona available to answer questions about the organization or the fund-raising activity. A conversation with any identified potential donor will inevitably include the communication designed or perceived to be designed to induce contributions and, as by such would be prohibited by the Code.


RELEVANT FUND RAISING PROVISIONS OF THE NEW JERSEY CODE OF JUDICIAL CONDUCT

CANON 4
A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM AND THE ADMINISTRATION OF JUSTICE

RULE 5.4 Participation in Educational, Religious, Charitable, Fraternal or Civic Organizations and Activities
A judge may participate in civic and charitable activities that do not reflect adversely on the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal or civic organization whose purpose is not to advance the economic or political advantage of its members, subject to the following limitations:

(A) A judge shall not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversarial proceedings in any court.

(B) A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of the prestige of the judicial office for that purpose. A judge shall not be listed as an officer, director or trustee of such an organization in any letters or other documents used in such solicitations. A judge shall not be a speaker or the guest of honor at an organization's fundraising events, but may attend such events and contribute to such organizations.

4(C) A judge shall not give investment advice to such an organization, nor may a judge serve on its board of directors or trustees if the board has the responsibility for approving investment decisions.

(D) A judge's name, but not a judge's position and title, may appear on the organization's letterhead and in literature regarding that organization.

COMMENT:
[1] The changing nature of some organizations and their relationship to the law makes it necessary for judges to reexamine regularly the activities of each organization with which they are affiliated to determine whether the relationship should be continued.

[2] Judges shall inform organizations of the limitations associated with their participation in educational, religious, charitable, fraternal or civic organizations and activities. Specific prohibitions include identification of a judge's position and title on the letterhead of an organization, regardless of the intended use of that letterhead, and any involvement of a judge in the solicitation of funds for the organization.
A judge's participation in an organization devoted to law-related activities is governed by Canon 4.

If guidance is required as to the application of this Canon, judges should consult with the Advisory Committee on Extrajudicial Activities.

I could not find website for Fund Raising Opinions reported after those lists below.

GUIDELINES FOR EXTRAJUDICIAL ACTIVITIES ANNOTATED MAY, 2004

V. FUNDRAISING: njlegallib.rutgers.edu/misc/EJ_gide_anno_2004_May.html#V

A. In order to avoid misuse of the judicial through possible intimidation of potential donors, or embarrassment if the donation is not made, or arousal of an exception of future favors, a judge should not:

1. take part in any fundraising event as an honored guest, speaker, toastmaster, or entertainer in any other significant capacity.
2. serve on a committee or otherwise engage in activities related to fundraising;
3. sign or be mentioned in the text of a fundraising letter;
4. permit the judge’s name to appear on the letterhead or in any other materials if they will be used in soliciting funds.

B. It is permissible for judges to attend fundraising events of, and contribute to appropriate or organizations whether law-related or non-law-related, but not to make a contribution pledge in public.

C. Fundraising activities include all charitable and other events from which an organization derives direct financial benefits, through the sale of tickets or otherwise, even if the financial benefit is incidental to the main purpose to the event, or the funds raised are to be donated to another organization, charity or cause. Events where tickets are priced merely to defray the cost of the occasion are not fundraising events.

D. Subject to the general guidelines, judges may make recommendation to public and private fund-granting agencies on projects concerning the law, legal system, and the administration of justice.

[RELEVANT JUDICIAL ADVISORY OPINIONS OF THE NEW JERSEY FUNDRAISING OPINIONS ISSUED BEFORE THE NEW CODE]
7-89. A judge may attend a fundraising dinner honoring the 14 presidents his local temple and provide the blabbers if the event with us biography to be listed in the program with those the other past presidents. The dinner is an event of the institution and it is an unavoidable fact that the judge was a past president. The judge would not be the drawing card; he would not be on the dais; and he would not make a public contribution, nor be involved in the solicitation of funds.

11-90. A judge may not serve as president of a local Lions Club because of their fundraising activities.

28-90. A judge may attend dinner fundraiser of the Institute for Human Relations of the American Jewish committee, The event is not political although a Senator is the honoree.

12-91. Judge of the vicinage may arrest fundraising dinner, a roast of a popular basketball coach, for the benefit of the Wm. Perkins Scholarship Fund which supports minority Seton Hall Students. Perkins is an active lawyer in the county.

19-91. Judges may buy tickets to Sheriff's Youth Day Picnic.

30-91. A judge who performs a marriage ceremony may not name a charity to which a donation is made in lieu of an honorarium. Judge was being pressed to name a charity was advised to indicate only a general area of charitable interest.

40-91. Judges may attend Second Annual Public Advocate/Public Defender Golf and Tennis Charity Event, but not as speaker or at head table. this was not an exhibition tournament and judges’ attendance was not advertised not noted. The event was open to all.

61-92. Judge may not continue as Trustee of the NJ State Bar Foundation.

42-93 Judge may not attend a meeting of foundation to start a memorial fund.

43-93. Judge may not participate in the County Unit of the American cancer Society’s Second Annual Tennis Challenge Cup tournament as a substitute for one of the celebrities who is unable to attend. This is fundraising event.

47-93a). Municipal court judge may not continue to serve on Friends Committee of the Puerto Rican Legal Defense and Education Fund whose purpose it is to assist in attracting people to attend a fundraising dinner.

60-93. Municipal court judge may not speak and be introduced at a church’s “annual mortgage fund breakfast.” This is a fundraising event.
69-93. Judge may not participate in the annual phonation for daughter’s college, even if she makes not calls to NJ residents.

63-94. Judges may not participate in a county bar association Family Law Seminar to benefit a scholarship fund.

21-95. Assignment may not attend and address a breakfast hosted by Bell Atlantic and co-sponsored by the Probation Services Division to interest selected private sector employers in providing summer jobs for court-involved youth through the Private Industry Council.

23-95 Family Division judges may not attend a fundraiser for the Brian Nelson Foundation, a non-profit corporation, in process of purchasing a residence to convert to facility for visitations for children of separated or divorced parents.

14-99. Superior Court may not participate in the Martin Luther King Day parade sponsored by the local Martin King Jr Parade and Scholarship Committee.

23-01. Superior Court Judge may not participate in the 11th Annual Charity Tennis Tournament to benefit the New Jersey Vietnam Veterans’ Memorial Commission. The chair of the event is a Senator. The event is a fundraiser at which the government employees (including judges’) participation would be paid for by corporate sponsors. This event indifferent than the situation involved in Opinion 96 where a judge, a basketball player, was permitted to play on a team with PBA officers against a team comprised of the New York Giants football team. Opinion 11-96, which also involved fundraising, comprised a highly unique situation that was limited to its facts.

1-02. A Superior Court judge may be inducted into the 2002 County Women’s Hall of Fame for which she was designated prior to her judicial appointment. The Women’s Hall of Fame is a non-profit organization that sponsors an education program for local young women in which the judge will participate. The organization does not usually engage in fundraising, but may raise scholarship funds in the future. In such a case, the judge may not participate in solicitation.

2-02. A Superior Court judge may not be honored at the Executive Women of New Jersey’s "Salute to the Policy Makers" awards dinner, which is given for women who served on corporate boards and/or who were senior level officers of New Jersey corporations or foundations. The judge was designated for this honor prior to judicial appointment. Accepting this honor is not permissible since the event is tantamount to a fundraiser.
35-02.
(1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA, Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.

(2) The judge, however, may attend a separate ASPIRA sponsored Technology Tools for Teaching and Learning Conference which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school administrators from the United States and Puerto Rico.

7-02. A Superior Court judge may attend the Girl Scout Anniversary Dinner 2002 Spring Gala that celebrates the 90th anniversary of the county Girl Scout Organization. The judge, however, may not give a brief talk or appear in a fund-raising ad journal for the event.

9-02. A Superior Court judge may attend the Annual Freedom Fund Awards Dinner of the County East Branch of the NAACP. However, the judge may not be the keynote speaker, or receive a leadership award at this event since it is a fundraiser.

27-02 Superior Court judge may not continue to participate as a member of the Board of Directors of the Girl Scouts of the U.S.A. The Board members perform policy making functions, including soliciting input from policy-influencing groups. Additionally, the Board members identify and cultivate sources of financial support and are involved in fundraising.

35-02.
(1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA,
Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.

(2) The judge, however, may attend a separate ASPIRA sponsored Technology Tools for Teaching and Learning Conference which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school administrators from the United States and Puerto Rico.

63-03. Superior Court judge may be on the NAACP Brotherhood Essay Committee to select a grand prize winner for the local Brotherhood Essay Contest. Although other members of the Essay Committee include township committee member from the same county in which the judge sits, the Essay Committee members will read the essays individually and will not meet as a group. The judge willingly be involved in judging the essays and all not be involved in the presentation ceremony to the prize winners. Approval is conditioned on the judge not being directly involved in any fundraising.

19-03. Municipal court judge may attend the Bread and Roses Ball of the Roman Catholic Diocese (in a different county.) This open event is a charity fundraiser to benefit Catholic Charities, which will distribute the funds to various charitable purposes. The judge will not sit on a dais and will not give a speech. He will not contribute to an ad journal.

22-03. Municipal court judge may not be the master of ceremonies at the Whitney Young Award Dinner, since it will be a fundraiser. However, he may attend this event. The dinner is sponsored by a regional council of the Boy Scouts of America.”

32. New Mexico: Supreme Court Adopted Revised Code effective 1/1/2012.

RELEVANT FUND RAISING PROVISIONS OF NEW MEXICO REVISED CODE OF JUDICIAL CONDUCT:

Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities.
(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice and those sponsored by or on behalf of
educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds, and assisting in fund-raising, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice, and the judge does not personally solicit funds other than as permitted by Rule 3.7(A)(2);

(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if his or her activities would not appear to a reasonable person to be coercive or an abuse of the prestige of judicial office. If the event does not concern the law, the legal system, or the administration of justice, the judge must also be a member of the organization or have had a close association with the organization or the event being celebrated;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions and other not-for-profit organizations, including law-related, charitable, and other organizations.
[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely upon a judge’s independence, integrity, and impartiality.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). But before participating in other activities, a judge should analyze the overall event and evaluate whether the judge’s activities may be viewed as coercive or an abuse of the prestige of judicial office.

[3A] For law-related organizations only, a judge may be listed as a host or member of an honorary dinner committee for an organization or entity’s fund-raising or member solicitation event, and also may be a speaker or guest of honor at such an event. Otherwise, a judge may not be a speaker or guest of honor at an event that is primarily for fund-raising or serve on an honorary dinner committee for an organization’s fund-raising event, unless the judge is a member of the organization or has had a close association with the organization or the event being celebrated, or is a close friend of the person being honored. The judge, however, should not use his or her title when serving on any such committee, unless comparable designations are listed for other persons. Paragraph (A)(3) precludes a judge from soliciting membership for any organization or entity except those concerned with the law, the legal system, or the administration of justice.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons. In addition, a judge must also make reasonable efforts to ensure that the judge’s staff, court officials, and others subject to the judge’s direction and control do not solicit funds on the judge’s behalf for any purpose, law-related or otherwise.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER THE NEW CODE

Judicial Advisory Opinion No. 17-04: Neither the judge nor court employees may either conduct meetings to solicit donations or promote fliers promoting such donations in a county fundraising of United Way. Rule 21-307(A) NMRA

Judicial Advisory Opinion No.16-01(August 8, 2016): Judge in organizing a fundraising concert for high school band may act as master of ceremonies at event but may not
“personally or expressly solicit financial support during the event”, and may not thank sponsors for their donations during the concert. 21-307

Judicial Advisory Opinion No. 13-03 (Jun 27, 2013): As a member of the Board of Directors of a non-profit organization that provides safe housing alternatives, the judge’s photo and biography on the organization’s website that includes a PayPal link so that people viewing the website can make a donation, does not conflict with the code and is not directly related to the solicitation of funds. 21-301, 21-307(A).

Judicial Advisory Opinion No. 13-04 (July 1, 2013): Judge as co-chair of a Committee of the New Mexico State Bar, can support funding of a not-for-profit legal aid organization by signing a letter in using his judicial title to the corporation in support of a grant application since this involves the legal system and the administration of justice. 21-103, 21-3-1, 21-302

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE

Judicial Advisory Opinion No. 08-04 (May 19, 2008): To the extent that in making donations of services to a charitable organization your judicial position is identifiable, either directly or indirectly, and you are required to participate with the successful bidder, the Committee believes that the donations create the very problems that give rise to the relevant sections of the code. 21-500

Judicial Advisory Opinion No. 07-08” (July 24, 2007): Judge can serve on a Foundation Board but cannot directly participate in the solicitation of funds or other fund-raising activities. Not proper for judge to directly participate in the Foundation’s annual phone-a-thon, or, other fund-raising events.

Judicial Advisory Opinion No. 2-06: (August 29, 2002) Judge may serve as board member of Museum of Spanish Colonial Arts and Catherine Center for Youth and Family Education, but may not engage in fundraising solicitation. 21-500(A).

Judicial Advisory Opinion 2001-02 (February 28, 2001) Judge may serve on CASA Advisory Board but cannot have his name on CASA letterhead on letters sent out for fundraising purposes. Rule 21-500(C) (3)(b)(i).
33. NEW YORK:

RELEVANT FUND RAISING PROVISIONS OF THE NEW YORK CODE OF JUDICIAL CONDUCT

CANON 4 [§100.4]

A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS.

(B) Avocational activities. A judge may speak, write, lecture, teach and participate in extra-judicial activities subject to the requirements of this Part.

(C) Governmental, civic, or charitable activities.

(3) A judge may be a member or serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, cultural, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Part.

(i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities;

(ii) may not be a speaker or the guest of honor at an organization's fund-raising events, but the judge may attend such events. Nothing in this subparagraph shall prohibit a judge from being a speaker or guest of honor at a bar association or law school function or from accepting at another organization's fund-raising event an unadvertised award ancillary to such event;

(iii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system or the administration of justice; and

(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation, but may be listed as an officer, director or trustee of such an organization. Use of an organization's regular letterhead for fund-raising or membership solicitation does not violate this provision, provided the letterhead lists only the judge's name and office or other position in the
There are 649 Fundraising Opinions rendered by the New York Advisory Committee on Judicial Ethics. Here is a digest of the opinions that the author considered to be most relevant

RELATIVE JUDICIAL ADVISORY OPINIONS:

New York Opinion 2018-5 (January 24, 2018): A judge may not chair a Red Cross blood drive or solicit blood donors.

Opinion 07-17 (April 19, 2007): A judge may participate in a charity’s fundraising wall, including serving on its planning committee, but judge cannot solicit funds or personally participate in soliciting funds or in-kind donations, permit his/her name to be used in solicitation of donations, or sell raffle tickets.

Opinion 17-55 Digest (May 4, 2017): A judge may not directly or indirectly solicit property owners, car rental agencies, or food merchants on behalf of the Red Cross. However, the judge may use his/her skills as a logistics expert to plan and manage supplies or donations as they are received and may also purchase items for disaster relief with a donated debit card, provided the judge does not solicit such a card.

Opinion 17-174 (December 7, 2017): (1) Subject to certain limitations, a judge may serve as master of ceremonies for a close personal friend’s public swearing-in ceremony. (2) A judge may sing the national anthem at a not-for-profit organization’s fund-raiser, provided the judge’s participation is unannounced and ancillary to the event.

New York Advisor Opinion 2016-153 (October 2016): A judge may not personally solicit funds from friends or neighbors, but may, in his/her capacity as a parent, accompany his/her child as the child solicits funds from friends or neighbors, but may not personally otherwise assist or participate in the solicitation.

Opinion 16-179 Digest (December 8, 2016): A judge may be a member of an all-female volunteer EMT service which responds to calls from women in a particular faith community who need emergency care, where the service was established to expand opportunities for women in the community and to preserve significant religious or
cultural values of common interest to community members. However, a judge may not serve as director of the entity if that role requires him/her to personally engage in fund-raising and/or recruitment activities.

*Opinion 16-152 (December 8, 2016)*: A judge may not appear in a videotaped interview on behalf of a re-entry agency, which will be shown at the agency’s fund-raising event.

*Opinion 15-109 (June 17, 2015)*: While a judge may help plan events behind the scenes, under the circumstances presented, you may not directly participate in fund-raising or soliciting the alumni, parents or friends of the university or its community, no matter where they are located, in state or out of state.

Opinion 15-104 (June 11, 2015) A judge may permit a not-for-profit educational organization to use his/her name and honorific when listing the judge as a volunteer in documents that are circulated within the organization, where other volunteers are also listed with their title, and the documents will not be used for fund-raising.

*Opinion 15-92(A) (April 23, 2015)*: A judge may serve as an officer of his/her religious institution, and may preach a sermon and make administrative announcements, but may not solicit tithes or contributions. The judge may allow his/her sermons to be broadcast via live streaming on the internet. Opinion 13-161 (December 12, 2013) : A judge may serve as a deacon in his/her church and may stand at designated locations with other deacons and hold a plate on a basket for the collection of tithes and offerings, provided the judge does not participate in the actual solicitation of funds.

*Opinion 15-171 (October 2015)*: A judge may not raise funds for local chapter of non-for-profit fraternal organization by selling raffle tickets to friends.

*Opinion 14-132 (September 4, 2014)*: A judge must not participate in an not-for-profit charitable organization’s fund-raising, where each participant required to publicize each hi/her own participation and publicly solicit other participants. However, a judge may make contributions to the organization, provided that h/she does so without personally soliciting funds or otherwise promoting the fund-raiser. The event was an “ice bucket challenge”.
Opinion 12-14: (1/26/2012) “A part-time judge may serve as president of a not-for-profit organization which promotes athletic involvement by raising funds for athletic programs as local schools and may assist the organization with planning fund-raising, provided the judge does not personally solicit funds, does not permit the use of the prestige of the judicial office for fund-raising, and does not permit his/her name to appear as the author on any fund-raising letter or as spokesperson in other solicitations.” (This opinion contains a good summary of other opinions on fundraising).

Opinion 12-177 (December 13, 2012) A judge may participate in an annual fund-raising golf outing for the High School Parents’ Association both in planning and organizing the event, and volunteering on the Board of Directors.

Opinion 12-142: (9/13/2012) – “A judge who is a president of a not-for-profit religious organization may help plan the organization’s fund-raising event, and may attend the event, but must not speak or participate in a substantial manner during the event.” The event was a “casino themed” fund-raising event and “only fake money [will be] used and the prizes awarded [will be] raffle tickets to win prizes.

Opinion No. 11-28 (7/8/2011) Judge not permitted to personally apply to local charitable foundation for grant funds to preserve and display historical photographs.

Opinion 09-28 (January 29, 2009): “A part-time judge may not serve as co-chair or master of ceremonies of a charitable organization’s fund-raising golf tournament, but may assist with planning the event; may assist with the logistics of a fund-raising event sponsored by a police organization to benefit a charitable organization but may not solicit donations, allow his/her name to be used in any aspect of fund-raising, or deliver tee shirts to sponsors; and (3) may assist a not-for-profit organization by swearing in officers of the organization, conducting disciplinary hearings for violations of the organization’s rules, auditing the organization’s financial records, and serving as the master of ceremonies provided that no fund-raising occurs at these events.

Opinion 09-28 (January 29, 2009): “A part-time judge may not serve as co-chair or master of ceremonies of a charitable organization’s fund-raising golf tournament, but may assist with planning the event; may assist with the logistics of a fund-raising event sponsored by a police organization to benefit a charitable organization but may not solicit donations, allow his/her name to be used in any aspect of fund-raising, or deliver tee
shirts to sponsors; and (3) may assist a not-for-profit organization by swearing in officers of the organization, conducting disciplinary hearings for violations of the organization's rules, auditing the organization’s financial records, and serving as the master of ceremonies provided that no fund-raising occurs at these events.

Opinion 14-54 (May 6, 2004): A judge may be an honoree at his law school’s Alumni Association Golf Outing, the purpose of which is to raise money for the law school’s scholarship fund which is named after a deceased judge and alumnus of the law school, but may not participate is soliciting funds or engaging in other fund-raising activities.

Opinion 00-98: (9/14/2000) A Friends Committee consisting entirely of non-judges may solicit commercial sponsorship of programs at a judicial convention, but a convention journal which detracts from the dignity of judicial office or which lends the prestige of judicial office to advance the private contributors should not be utilized. Opinion 01-89: “…a judge may serve as a director of a not-for-profit social services agency that provides services on behalf of abused and neglected children, at-risk families, and the mentally retarded, subject to the limitations on such activities set forth in the Rules Governing Judicial Conduct.” The obligations of the agency include the support of “fund-raising campaigns/events, and support of ‘fund-raising activities’ through contribution and cultivation/solicitation of donors,” and the judge must make it clear to all that his/her services as a judge may be restrained by ethical obligations.

Opinion 06-89 (4/27/69) A judge may not serve as honorary co-chair of a law school fund-raising event sponsored by the judge’s law school to raise funds for summer student fellowships, but may attend the event, recommend potential individuals to serve as co-chairs, and speak at the event, provided that the judge does not personally solicit contributions.

Opinion No. 93-24: (1/28/93) Judge as member of a local community service organization, not permitted to act as master of ceremonies at an annual award breakfast where a raffle is held to raise funds for another award breakfast sponsored by the organization.

Opinion 88-23 (March 14, 1988): Judge’s commendation letter used by religious-charitable organization which maintains a youth center facility frequently used by the courts as a resource for Children needing special help may not authorize its use for fund-raising purposes by the organization.
Opinion No. 88-94: (9/19/88) “A Family Court judge may write a letter directly to a governmental agency or foundation in support of a non-profit or governmental agency’s program which provides services on a regular basis to that court in its administration of justice, but may not write such letters on behalf of programs which do not regularly relate to the Court’s judicial operation.” Programs allowed were battered spouse shelters, counseling services and the Department of Social Services.


RELEVANT FUND RAISING PROVISIONS OF THE NORTH CAROLINA CODE OF JUDICIAL CONDUCT:

Canon 4
A judge may participate in cultural or historical activities or engage in activities concerning the legal, economic, educational, or governmental system, or the administration of justice.
A judge, subject to the proper performance of the judge's judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not cast substantial doubt on the judge's capacity to decide impartially any issue that may come before the judge:
C. A judge may serve as a member, officer or director of an organization or governmental agency concerning the activities described in Canon 4A, and may participate in its management and investment decisions. A judge may not actively assist such an organization in raising funds but may be listed as a contributor on a fund-raising invitation. A judge may make recommendations to public and private fund-granting agencies regarding activities or projects undertaken by such an organization.

Canon 5
A judge should regulate the judge's extra-judicial activities to ensure that they do not prevent the judge from carrying out the judge's judicial duties.

A. Avocational activities. A judge may write, lecture, teach, and speak on legal or non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if
such avocational activities do not substantially interfere with the performance of the judge's judicial duties.

**B. Civic and charitable activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal or civic organization subject to the following limitations.

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge.

(2) A judge may be listed as an officer, director or trustee of any cultural, educational, historical, religious, charitable, fraternal or civic organization. A judge may not actively assist such an organization in raising funds but may be listed as a contributor on a fund-raising invitation.

(3) A judge may serve on the board of directors or board of trustees of such an organization even though the board has the responsibility for approving investment decisions.

**RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER NEW CODE**

*Formal Advisory Opinion 2013-02 (November 8, 2013):* While a judge may not solicit contributions of funds, goods, service, etc. on behalf of the types of organizations identified in Canons 4 and 5 of the Code of Judicial Conduct, nor solicit dues paying memberships for such entities, a judge may participate in activities related to fund-raising which do not utilize the esteem of the judge’s office to further the interests of the entity, present an element of coercion, interfere with the performance of the judge's judicial duties, not reflect adversely upon the judge’s independence, integrity, and impartiality.

*Formal Advisory Opinion 2010-03 (April 9, 2010):* “…1) a judge may consult in the writing of a federal grant to request funding for production of instructional materials explaining the procedure to start a problem solving court for child support disputes.”

*Formal Advisory Opinion 2010-07 (July 9, 2010):* “…a judge may not sponsor nor consent to being listed as a ‘sponsor’ or ‘host’ of a fund raising event for any organization
of individual other than the judge’s judicial election campaign of a joint judicial election in which the judge participates.”

35. NORTH DAKOTA: Supreme Court Adopted the Revised Code effective July 1, 2012

NEED NORTH DAKOTA REVISED CODE

RULE 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

A. Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including the following activities:

1. assiting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

2. soliciting contributions* for such an organization or entity, but only from members of the judge's family,* or from judges over whom the judge does not exercise supervisory or appellate authority;

3. soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

4. appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting the judge's title to be used in connection with an event of such an organization or entity, provided the participation does not reflect adversely on the judge's independence, integrity, or impartiality;

5. making recommendations to an organization or entity concerning its fund granting programs and activities; and

6. serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
   a. will be engaged in proceedings that would ordinarily come before the judge; or

   b. will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.
(B) A judge may encourage lawyers to provide pro bono publico legal services.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

[5] In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono publico legal work, and participating in events recognizing lawyers who have done pro bono publico work.

Reference: Minutes of the Judiciary Standards Committee on 06/10/08 and 08/28/09.


The INDEX OF FORMAL ETHICS ADVISORY OPINIONS ADVISES AS FOLLOWS:

NOTE: Before relying on a particular Opinion, compare the rule canon references in the Opinion with current Code provisions to determine whether the Opinion may be considered still current and applicable.
NO RELEVANT FUND RAISING OPINIONS WERE FOUND IN THE IO INDEX.

36. OHIO: Supreme Court Adopted a Revised Code effective March 1, 2009.

RELEVANT FUND RAISING PROVISIONS OF THE OHIO CODE OF JUDICIAL CONDUCT

Rule 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Charitable or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or government entities concerned with the law, the legal system, or by organizations or government entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

1. Assisting such an organization or entity in planning related to fundraising, and participating in the management and investment of the organization’s or entity’s funds.

2. Participating in but not soliciting funds for de minimis fundraising activities that are directed at a broad range of the community and that may be performed by other volunteers who do not hold judicial office.

3. Appearing or speaking at, or receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, provided the participation does not reflect adversely on the judge’s independence, integrity, or impartiality.

4. Making recommendations to such public or private fund-granting organization or entity in connections with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice.

5. Serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or
(b) will frequently be engaged in adversary proceedings in the court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment

[1] The activities permitted by division (A) generally include those sponsored by or undertaken on behalf of public or private not-for profit educational institutions, and other not-for-profit educational institutions, and the not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether or not the event serves a fundraising purpose, does not constitute a violation of division (A)(5). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fundraising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund raising or membership solicitation does not violate this rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

Comparison to Ohio Code of Judicial Conduct

Rule 3.7(A)(1) corresponds to the first portion of Ohio Canon2(b)(2)(a). Rule 3.7(a)(2) corresponds to Ohio Canon 2(B)(2)(A)(ii), with the addition that a judge may solicit contributions from members of the judge’s family.

Rule 3.7(A)(3) is identical to Ohio Canon 2(B)(2)(a)(ii)

Rule 3.7(A)(5) allows a judge to participate in certain activities sponsored by educational, religious, charitable, fraternal, and civic organizations, including those that might have a fundraising purpose, provided the judge’s participation does not reflect adversely on his or her independence, integrity, or impartiality. Ohio Canons 2B(2)(a) and (d) limit a judge’s involvement in these activities if there is a fundraising component.
Rule 3.7(B) has no counterpart in the Ohio Code.

Advisory numbed 1986 through provide advice for …judges as to the application of… the /code of Judicial Conduct… and provide advice for judges and judicial employees as to the Ohio Ethics Law.
Advisory Opinion numbered 2007 and forward provide advice for…judges as to the application of…Ohio Code of judicial Conduct, …and provide advice and for judges and judicial employees as to Ohio Ethics Law.
As to judicial issues, advisory opinion numbered 2009 and forward provide advice as to the application of the Code of Judicial Conduct, effective March 1, 2009.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED AFTER THE NEW CODE:

Ohio Opinion 2017-6: A judge may not solicit funds fo a non-profit drug treatment center or allow employees to do so.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE

Advisory Opinions numbered 1986-2006: provide advice for judges as to the application of the Ohio Code of Judicial Conduct…” “As to judicial issues, advisory opinions numbered 2009 and forward provide advice as to the applications of the Code of Judicial Conduct, effective March 1, 2009.

OPINION 95-13( Issued December 1, 1995)

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]

SYLLABUS: A judge may not participate in a fund-raising telethon to the general public; this includes answering telephones during the telethon to accept donations from callers, being a celebrity guest or member of the telethon's "VIP telephone panel," or soliciting donations for the organization hosting the telethon.
OPINION: We have before us your request regarding a telethon which raises funds from the general public for a charitable organization. What are the guidelines for a judge's participation in such telethons? Your specific questions are as follows:

1. May a judge answer a "VIP telephone line" during a telethon to the general public;
2. May a judge anonymously answer telephones at the telethon's telephone bank;
3. May a judge solicit funds from his or her friends and coworkers for the organization hosting the telethon?

Canon 5B of the Ohio Code of Judicial Conduct allows a judge to "participate in civic and charitable activities that do not reflect adversely upon his [her] impartiality or interfere with the performance of his [her] judicial duties." Canon 5B (3) limits the scope of a judge's participation in fund-raising.

Canon 5B (3) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his [her] office for that purpose, except he [she] may participate as a member in solicitations limited to members of an educational, religious, charitable, fraternal or civic organization of which he [she] is a member, and he [she] may be listed as an officer, director, or trustee of such an organization. He [she] should not be a speaker or the guest of honor at an organization's fund raising events, but he [she] may attend such events.

OPINION 90-16 (Issued August 17, 1990)
[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009]
[Not Current-subsequent rule amendments to Canons 1-6, Ohio Code of Judicial Conduct, eff. May 1, 1997]

OPINION 87-009)
[former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/3/2009]
[Not Current-subsequent rule amendments to Canons 1 through 6, Ohio Code of Judicial Conduct, eff. May 1, 1997]
Depending on the activities the Mahoney County Restoration undertakes, judge’s role as chairperson or member is controlled, or possibly proscribed by Canon 5B(3) of the Code. If it not possible to divorce yourself from the fund-raising efforts of the Restoration Committee, then you should not serve as a member or chairperson. Conversely, if your name is not used for any fund-raising activities, and you do not participate in any fund-raising, your membership is not prohibited under the Code.

37. OKLAHOMA – Supreme Court Adopted Revised Code effective April 15, 2011.

RELEVANT FUNDRAISING PROVISIONS OF THE OKLAHOMA CODE OF JUDICIAL CONDUCT:

¶ 3 Discussion: Canon 3 of the Oklahoma Code of Judicial Conduct "Extra Judicial Activities in General" in Rule 3.1 provides:
¶ 4 "A judge may engage in extrajudicial activities, except as prohibited by law or this Code.....
Rule is also subject to the exceptions provided for in Rule 4.1A(10) and 4.1C.

Comment on Rule 3.1 states:

¶ 14 [5] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge."

¶ 15 Rule 3.7 specifically addresses participation in educational, religious, charitable, civic organizations, or activities and specifically provides:
¶ 16 (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including *1188 but not limited to the following activities:
¶ 17 (1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;
¶ 18 (2) soliciting contributions for such an organization or entity, but only from members of the judge's family, members of the judge's household or from judges over whom the judge does not exercise supervisory or appellate authority;
¶ 19 (3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
And,
¶ 20 (6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
¶ 21 (a) will be engaged in proceedings that would ordinarily come before the judge; or
¶ 22 (b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.
¶ 23 The judge's participation is further limited by any other activity prohibited by the code such as not engaging in general fund raising activities or with an organization that may regularly appear in the court over which the judge presides.

¶ 3 Discussion: Canon 3 of the Oklahoma Code of Judicial Conduct "Extra Judicial Activities in General" in Rule 3.1 provides:
¶ 4 "A judge may engage in extrajudicial activities, except as prohibited by law or this Code.....

Comment on Rule 3.1 states:

¶ 14 [5] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.”

¶ 15 Rule 3.7 specifically addresses participation in educational, religious, charitable, civic organizations, or activities and specifically provides:
¶ 16 (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including *1188 but not limited to the following activities:
¶ 17 (1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;
¶ 18 (2) soliciting contributions for such an organization or entity, but only from members of the judge's family, members of the judge's household or from judges over whom the judge does not exercise supervisory or appellate authority;
¶ 19 (3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the
organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

And,

¶ 20 (6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

¶ 21 (a) will be engaged in proceedings that would ordinarily come before the judge; or

¶ 22 (b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

¶ 23 The judge's participation is further limited by any other activity prohibited by the code such as not engaging in general fund raising activities or with an organization that may regularly appear in the court over which the judge presides.

RELEVANT JUDICIAL ADVISORY OPINION ENACTED AFTER NEW CODE

2016 OK JUD ETH (March 28, 2016): A judge who has been voted the “Judge of the Year” by a law related organization may accept the award but may not take part in an acceptance video to be shown as part of an awards ceremony at a banquet, posted on the organization’s website and published of YouTube.com

2014 OK JUD ETH 3(October 3,2014): A dieting judge may be appointed to serve on the Board of Trustees for a private, religious university, subject to the Canon 3, Rule 3.7 restrictions.

Judge may serve on the Board of Directors of a not-for-profit educational (university) foundation with certain conditions and restrictions. [see above set forth]

RELEVANT JUDICIAL ADVISORY OPINIONS ENACTED BEFORE NEW CODE

2009 OK JUD ETH 2(November 16, 2009) A judge who is president of a not for profit charitable corporation may not sign an application for a funding grant if done so in the capacity as president of the organization and does not identify such party as a judge.

2007 OK JUD ETH 1(05/14/ 07) Judge may be an officer and member of a Board of Directors of a private Christian Secondary School but may not assist the school in personally participating in the solicitation of funds or other fund raising activities and
judge’s name should not appear on any solicitation of funds or other recruitment activities

2006 OK JUD ETH 1: The judge may not allow his/her name to be on the letterhead or stationary of a county leadership group who uses the stationary to solicit funds to purchase handheld metal detectors to enhance courthouse

2002 OK JUD ETH 2: (1/24/2002) A judge with drug court responsibilities may participate as an applicant, or by authorizing an entity to apply for grant funding for the administrative support of State Drug Courts.

OK JUD ETH 2: [ Check citation ]A judge who is president of a not for profit charitable corporation may not sign an application for a funding grant if done so in the capacity as president of the organization and does not identify such party as a judge.

38. OREGON: Oregon code of judicial conduct revised effective December 1, 2013

RELEVANT FUND RAISING PROVISIONS OF THE OREGON CODE OF JUDICIAL CONDUCT:

RULE 4
MINIMIZING THE RISK OF CONFLICT BETWEEN A JUDGE'S ACTIVITIES AND THE OBLIGATIONS OF JUDICIAL OFFICE

Rule 4.1 Activities in General
A judge shall not participate in activities when the judge's conduct would:
(A) interfere with the performance of judicial duties;
(B) lead to frequent disqualification of the judge; or
(C) reasonably be expected to compromise the judge's independence, integrity, or impartiality

Rule 4.5 Participation in Legal, Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
(A) Except as provided in Subsection (B), a judge may not personally solicit funds for an organization or entity.
So long as the procedures employed are not coercive, a judge may personally solicit funds for an organization or entity from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority, and the judge may assist the judge's minor children with fundraising.

Subject to Subsection (A) and Subsection (D), and so long as the procedures employed are not coercive, a judge may participate in activities sponsored by organizations or entities devoted to the law, legal education, the legal system, or the administration of justice, and those sponsored by or on behalf of not for profit, public or private, legal, educational, religious, charitable, fraternal, or civic organizations, including but not limited to the following activities:

1. assisting such an organization or entity in fundraising, management, and investment of the organization's or entity's funds;
2. speaking at, receiving an award or other recognition at, or being featured on the program of such an organization or entity;
3. serving as an officer, director, trustee, or nonlegal advisor of, and soliciting membership for, such an organization or entity.

A judge may not engage in activities described in Subsection (C) if it is likely that the organization or entity will frequently be engaged in adversary proceedings in the state courts of Oregon.

RELEVANT FUND RAISING PROVISIONS OF THE PENNSYLVANIA CODE OF JUDICIAL CONDUCT: DISCUSSED IN OPINION BELOW

Formal Advisory Opinion 2015-3: This opinion address the priority of judges participating in fundraising events on behalf of civic and charitable activities in which judges are involved. Canon 3; Rule 3.1; Rule 3.1 Comments [1], [2]; Rule 3.6; Rule 3.6. This Advisory Opinion in order to provide guidance to judicial officers subject to the Code of Judicial Conduct (“Code”).

Canon 3 of the Code addresses a judge’s involvement in personal and extrajudicial activities. It provides: “A judge shall conduct the judge’s personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.”

Comment [1] under Rule 3.1 states:
… judges are permitted and encouraged to engage in educational, religious, charitable,
fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law[.]

and Comment [2] states:

[participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

Rules 3.1, 3.6 and 3.7 address the broad limitations and concerns regarding the circumstances in which judges may properly participate in such activities. For example, judges may not participate in extrajudicial activities that “will interfere with the proper performance” of their judicial duties; “lead to frequent disqualification;” “reasonably appear to undermine the judge’s independence, integrity, or impartiality;” “engage in conduct that would reasonably appear to be coercive;” “hold membership in,” or “use the benefits or facilities” of, an organization “that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation;” or be “an officer, director, trustee, or nonlegal advisor” of an organization that “is likely … to be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.”

This Formal Advisory Opinion addresses the nature and extent of fundraising activities held on behalf of civic and charitable organizations in which a judge’s participation is permissible.

In pertinent part, Rule 3.7 (B) of the Code provides:

* * *

(2) A judge shall not personally solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but may be listed as an officer, director or trustee of such an organization. A judge shall not be a speaker or the guest of honor at an organization’s fundraising events that are not for the advancement of the legal system, but may attend such events.

(3) A judge shall not give investment advice to such an organization.

* * *

The prohibition against judges personally soliciting funds for any educational, religious, charitable, fraternal or civic organization, or using or permitting the use of the prestige of their office for that purpose, is a change from the Code of Judicial Conduct that was in effect prior to July 1, 2014. With respect to those types of organizations, the prior code stated “Judges should not solicit funds …”1. The current Code, effective July 1, 2014, added the word “personally.” The prohibition applies regardless of how worthwhile the organization or its activities may be, and it prohibits judges from being the guest
speaker or guest of honor at fundraising dinners or events that are not for the advancement of the legal system. Judges, however, may attend such events and contribute to them subject to the broader limitations of the Rule:

RELEVANT JUDICIAL ADVISORY OPINIONS ENACTED BEFORE NEW CODE


**See Formal Opinion 2011 for a summary of Certain Fundraising Activities**

_Pennsylvania Informal Advisory Opinion 9/7/2011 (2/15):_ A nonprofit is fund raising by auctioning off prizes. A judge may not permit a prize to be the opportunity to sit in the judge’s courtroom and afterward meet the judge privately to have a general discussion.

4/15a/2013: A judge may not host a short television program regarding issues faced by veterans in the judge’s community if neither the judge nor the station promotes the judge’s involvement in the program to raise money or otherwise advance the interests of the television in violation Canons 5B(2) or 2B.

4/21/2013: A judge may not seek foundation funding to hire a professional video company for an oral history project about certain judges and lawyers.

4/23/2013: A judge may not receive an annual award given by a charitable organization at a dinner because the organization sends out invitations identifying the honoree and inviting peers to attend the dinner and place ads in the dinner booklet with the goal of raising funds for the organization.

10/24/2011 (2/15): A judge may not recruit fellow members of a religious organization to serve on a committee that would solicit funds for the organization.

1/27/2010: A judge may write a letter that would be included in an application that a bar association would submit for foundation grants and charitable funding for services to the indigent. The judge’s letter would be informative only, and explain the value to the administration of justice generally and its courts specifically of providing legal services to the indigent. The letter would not directly or indirectly make a reference to a funding request.
7/7/2010: A judge may not appear on a flier soliciting funds for homeless children.

7/30/2010: A judge may write a letter of support for an organization to be included in the organization’s application for a grant from a private foundation if the project or program concerns the law, the legal system or the administration of justice.

8/1/03: A judge may not solicit others through court stationary or otherwise to donate school supplies for the homeless. A judge also may not permit others to use the judge’s name for such a purpose.

4/21/01: Although a judge may be chair of a nonprofit organization, the judge may not ask community leaders to fund-raise, and the judge may not permit another person on behalf of the judge to ask community leaders to inform the community leaders who are asked to fund-raise that the judge is the chair.

3/7/00: A judge may not participate in a seminar to identify and screen potential donors to the judge’s college alma mater. Doing so would be using the prestige of the judge’s office for fundraising.

1/27/99: A judge may serve as chairman of a nonprofit organization which is not likely to be engaged in adversary proceedings. The judge may not personally engage in fundraising activities.

2/5/99: A judge may attend a nonprofit organization’s fundraising event. Whether the judge must pay to attend is for the organization to decide. However, if the judge is given a free ticket, it is likely that the organization intends to showcase the judge, which is prohibited because Canon 5B(2) forbids a judge to permit the use of the prestige of his office to solicit funds. Canon 5B(2) also prohibit a judge from being “the” or “a” guest of honor.

7/9/99: A judge may be interviewed for a non-profit organization’s newsletter which solicits funds for distribution to other organizations. The interview will be about certain organizations which do work with the court and which receive funds from the non profit.

40. RHODE ISLAND: Rhode Island Supreme Court Order enacted January 31, 2018.
AUTHOR COULD NOT FIND WEBSITE FOR JUDICIAL ADVISORY OPINIONS

RELATIVE FUND RAISING PROVISIONS OF THE RHODE ISLAND CODE OF JUDICIAL CONDUCT:

RULE 3.7
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, and a judge may serve as an officer, director, trustee, or non-legal advisor to such organizations or entities, except that a judge shall not:
(1) solicit contributions or allow his or her title to be used to solicit contributions for such an organization or entity, except from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;
(2) solicit membership for such an organization or entity unless the organization or entity is concerned with the law, the legal system, or the administration of justice;
(3) make recommendations to a public or private fund-granting organization or entity in connection with its programs and activities, unless the organization or entity is concerned with the law, the legal system, or the administration of justice; or
(4) participate in activities sponsored by such an organization or entity, including serving as an officer, director, trustee, or non-legal advisor of such an organization or entity, if it is likely that the organization or entity:
(a) will be engaged in proceedings that would come before the judge; or
(b) will be engaged in adversary proceedings in the court of which the judge is a member.
(B) A judge may reasonably encourage lawyers to provide pro bono publico legal services.

COMMENT
[1] Some examples of a judge’s acceptable participation in the organizations and entities outlined in this rule include, but are not limited to, assisting such organizations or entities in planning related to fund-raising, participating in the management and investment of the organizations’ or entities’ funds, and appearing or speaking at, receiving an award or other recognition at, being featured on the program of an event of such organizations or entities. Any participation by the judge in these activities is always subject to the requirements and restrictions listed in this Rule and Rule 3.1.
The changing nature of some organizations and their relationship to the law make it necessary for a judge to regularly re-examine the activities of each organization and entity with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation. Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge’s participation in or association with the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely upon a judge’s independence, integrity, and impartiality. A judge should disqualify himself or herself in any case in which the decision could affect any organization or entity with which he or she is affiliated as an officer, director, trustee, or non-legal advisor.

Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of this rule. It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

41. SOUTH CAROLINA: ADD JUDICIAL CODE OF CONDUCT

RELATIVE JUDICIAL ADVISORY OPINIONS OF THE SOUTH CAROLINA CODE OF JUDICIAL CONDUCT:

OPINION NO 6-2017: A judge may serve on the board of directors of a non-profit board of directors of a non-profit organization that addresses issues of aging.

OPINION NO. 9-2017: A circuit court judge may give the invocation at an annual fund-raising event for a local hospital, provided that no reference to the judge’s position is made in advertising the event or on the program for the event and the judge does not engage in selling tickets or otherwise participate in fund-raising.
**OPINION NO. 09-2013:** A part-time Municipal Court judge may serve as a distributor for a fund raising company

**OPINION NO. 2011:** A part-time judge may not participate as a “Celebrity Judge” because participation would lend the prestige of judicial office to be used by others for fund-raising

**OPINION NO. 10-2009:** A part-time judge may write grants and plan fundraisers and serve as an executive director of a non-profit organization that offers academic tutoring and enrichment services for kindergarten through six grade students, but may not participate in fundraising.

**OPINION NO. 2-2009:** A Probate judge may not participate in a fund-raiser for the American Cancer Society. In particular, the probate court would like to participate in the county-wide selling of luminary bags, signage for the all-night walk-a then, and other related items. The probate court would also like to have small department raffles and sponsor a talent show, in which the probate court would be advertised as the sponsor. The contestants in the talent show would pay a small registration fee and the public would but tickets to attend.

**OP. NO. 31-2006:** A magistrate judge may not serve on the board of a local women’s center ministering to pregnant women board members who are involved in fund-raising. The directors’ job description states that the board members are to devote time, identify sources and cultivate contacts to further the development of financial contributions. It also indicates that the board members are to support fund-raising activities by both attending events and securing financial support from the community.

**OPINION NO. 13-2006:** A full-time judge should not be the keynote speaker at a dinner for the local mediation center where a silent auction would also take place at the dinner

**OP NO. 1-2004:** A judge, in his capacity to assist the Waccanaw Mental Health Center in obtaining a federal grant for a program dealing with truancy may not write a letter on behalf of a civic organization in its effort to obtain a grant.

**OPINION NO. 19-1999:** A Municipal Court judge may serve as coordinator for the city’s participation in a benefit for the American Cancer Society. He would be required to attend all planning sessions, recruit the leaders and facilitate all areas of city
involvement. Team leaders would recruit employees and individuals’ responsibility to solicit financial sponsors to pledge so much for their participation.

42. SOUTH DAKOTA: Supreme Court Appendix to Chapter 16-2 South Dakota Code of Judicial Conduct enacted eff. Jan. 1, 2006

RELATIVE FUND RAISING PROVISIONS OF THE SOUTH DAKOTA CODE OF JUDICIAL CONDUCT:

CANON 4
A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to
http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=16-2&Type=StatuteChapter
(13 of 27)1/2/2008 4:48:57 PM
South Dakota Codified Laws
Minimize the Risk of Conflict With Judicial Obligations
A. Extra-judicial Activities in General. A judge, subject to the proper performance of his judicial duties may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially* any issue that may come before him. He may speak write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice. A judge shall conduct all of the judge's extra-judicial activities so that they do not:
(1) cast reasonable doubt on the judge's capacity to act impartially* as a judge;
(2) demean the judicial office, or
(3) interfere with the proper performance of judicial duties.

COMMENTARY

Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives. Expressions of bias or prejudice by a judge, even outside the judge's judicial activities, may cast reasonable doubt on the judge's capacity to act impartially as a judge. Expressions which may do so include jokes or other remarks demeaning individuals on the basis of their race, sex, religion, national origin, disability or age. See Section 2C and accompanying Commentary.
B. Avocational Activities. A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law,* the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code.

COMMENTARY
As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary and the integrity of the legal profession and may express opposition to the persecution of lawyers and judges in other countries because of their professional activities.

In this and other Sections of Canon 4, the phrase "subject to the requirements of this Code" is used, notably in connection with a judge's governmental, civic or charitable activities. This phrase is included to remind judges that the use of permissive language in various Sections of the Code does not relieve a judge from the other requirements of the Code that apply to the specific conduct.

C. Governmental, Civic or Charitable Activities

COMMENTARY
As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary and the integrity of the legal profession and may express opposition to the persecution of lawyers and judges in other countries because of their professional activities.

In this and other Sections of Canon 4, the phrase "subject to the requirements of this Code" is used, notably in connection with a judge's governmental, civic or charitable activities. This phrase is included to remind judges that the use of permissive language in various Sections of the Code does not relieve a judge from the other requirements of the Code that apply to the specific conduct.
COMMENTARY

Section 4C(2) does not govern a judge's service in a nongovernmental position. See Section 4C(3) permitting service by a judge with organizations devoted to the improvement of the law, the legal system or the administration of justice and with educational, religious, charitable, fraternal or civic organizations not conducted for profit. For example, service on the board of a public educational institution, unless it were a law school, would be prohibited under Section 4C(2), but service on the board of a public law school or any private educational institution would generally be permitted under Section 4C(3).

(3) A judge may serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law,* the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely the the organization
   (i) will be engaged in proceedings that would ordinarily come before the judge, or
   (ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(b) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:
   (i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or participate in other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority;
   (ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law,* the legal system or the administration of justice;
   (iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or, except as permitted in Section 4C(3)(b)(i), if the membership solicitation is essentially a fund-raising mechanism;
(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.

COMMENTARY
A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system or the administration of justice or a nonprofit educational, religious, charitable, fraternal or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fund-raising mechanism. Solicitation of funds for an organization and solicitation of memberships similarly involve the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing or by telephone except in the following cases: 1) a judge may solicit for funds or memberships other judges over whom the judge does not exercise supervisory or appellate authority, 2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves and 3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge's signature.
Use of an organization letterhead for fund-raising or membership solicitation does not violate Section 4C(3)(b) provided the letterhead lists only the judge's name and office or other position in the organization, and, if comparable designations are listed for other persons, the judge's judicial designation. In addition, a judge must also make reasonable efforts to ensure that the judge's staff, court officials and others subject to the judge's direction and control do not solicit funds on the judge's behalf for any purpose, charitable or otherwise.
http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=16-2&Type=StatuteChapter
South Dakota Codified Laws
A judge must not be a speaker or guest of honor at an organization's fund-raising event, but mere attendance at such an event is permissible if otherwise consistent with this Code.
RELEVANT FUND RAISING PROVISIONS OF THE TENNESSEE CODE OF JUDICIAL CONDUCT

Rule 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of RJC 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and in the management and investment of the organization’s or entity’s funds;

(2) soliciting contributions for such an organization or entity, but only from members of the judge’s family, or from judges over whom the judge does not exercise supervisory or appellate authority;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

Comment

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph 4(A). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

OPINIONS ISSUED BEFORE NEW CODE:

JUDICIAL ETHICS COMMITTEE OPINION NO. 99-5: Judges and clerks may participate in a charity golf tournament sponsored by the Tennessee Judicial Foundation by playing on teams and sponsoring holes and/or tees. The Foundation is hosting the golf tournament in hopes to raise funds for its scholarship awarded to deserving law students.

44. TEXAS

RELATIVE FUND RAISING OF THE TEXAS CODE OF JUDICIAL CONDUCT

Canon 4: Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations
A. Extra-Judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:
(1) cast reasonable doubt on the judge's capacity to act impartially as a judge; or
(2) interfere with the proper performance of judicial duties.

B. Activities to Improve the Law. A judge may:
(1) speak, write, lecture, teach and participate in extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code; and,
(2) serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He or she may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system and the administration of justice.

C. Civic or Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the profit of its members, subject to the following limitations:
(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly or frequently engaged in adversary proceedings in any court.
(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, but may be listed as an officer, director, delegate, or trustee of such an organization, and may be a speaker or a guest of honor at an organization's fund raising events.
(3) A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Opinion No. 280 (2001) A judge may not serve as president of DARE (drug educational awareness organization) and his name may not be used on the letterhead used in fund raising solicitation so long as the judge is not actively involved in the fund raising.
Opinion No. 252 (1999): A judge may serve on the Host Committee of a Fund Raiser for the benefit of the Guardian Ad Litem Task Force, Inc., a non-profit corporation that provides training and volunteer ad litems in the Family Courts. The judge would not do fund raising.

Opinion No. 249 (1999): A judge may not serve as Chairperson of the annual fund raiser for a non-profit charity organization.

Opinion No. 245 (1999): A judge may serve as director of a private, non-profit corporation supported by public and private funds. The purpose of the corporation is to provide necessaries for CPS children. The judge would do no fund raising but the judge’s name would appear on the letterhead as a director on a fund raising letter.

Opinion No. 238 (1999): A judge may solicit contributions to the Texas Center for the Judiciary, Inc, a not-for-profit organization dedicated to the education and service of Texas judges, from individuals, businesses, foundations, and other organizations. These contributions would be used to promote judicator and improve the resources services provided by the Texas Center for the Judiciary, Inc. to the judiciary.

Opinion No. 251 (1999): A judge may serve on the Honorary Committee for an annual Sickle Cell Association Fund Raiser, but may not do any actual fund-raising.

Opinion No. 214 (1997): A judge may write a letter of support for a non-profit organization pertaining to the organization.

Opinion No. 205 (1997): A judge may not participate in a county bar association fund raiser (auctions) by donating such items as dinners with the judge or golfing rounds with the judge, to be awarded to the highest bidder.

Opinion No. 214 (1997): A judge may write a support letter for non-for-profit organization pertaining to the organization’s seeking CJAD funding if letter deals only with the judge’s knowledge of the services the organization provides in the community and does not itself solicit funds.

Opinion No. 185 (1996): A judge may be on the host committee, attend the luncheon being held as part of a “Walk Out on Crime” weekend sponsored by the Citizens Crime Commission of Tarrant County, and promote within the community and have her name of
the invitation. The speaker will provide an overview of current activities in American
cities and their implications for Tarrant County.

*Opinion No. 189 (1996):* A County Court Judge may serve on the board of directors of a
local United Way charitable organization, provided that the board does not participate in
fund raising and only sets policy.

*Opinion No. 198 (1996):* Judge may not be the subject of a local League of Women Voters
Annual fund-raising roast.

*Opinion No. 165 (1993):* A judge may not as a member of a non-profit organization
formed to assist in the funding of a council and allow the use of his name as a member of
a group seeking to raise funds.

*Opinion No. 150 (1992):* A judge should not permit the judge’s name to be included in a
list of members of the (Host Committee) on invitation to a fund raising event.

*Opinion No. 147 (1992):* A judge should not participate in a plan to advise jurors that they
can make a donation of their duty pay to a “Children’s Protective Services Fund.”

Opinion No. 141 (1991): A judge may not be a chairman of and serve on a committee to
courage and expand the economic development and historical restoration of a
downtown area in which the judge owns real property where the committee will solicit
funds from private businesses and individuals and from the city to fund the project.

*Opinion No. 58 (1982):* A judge does not violate the spirit of the Code of Judicial
Conduct of the State of Texas when, as an authorized representative of the Texas Center
for the Judiciary, Inc., he or she solicits contributions for the benefit of the Center from
charitable.

*Opinion No. 25 (1977):* A judge may not allow a development council formed to assist in
the funding of a parochial school to join a council and allow the use of his name as a group
seeking to raise funds.

*Opinion No. 10 (1976):* Judges not permitted to solicit funds for the National Conference
of Metropolitan Judges annual meeting in Dallas.

**45. UTAH:** Supreme Court Adopted Revised Code effective April 1, 2010:
RELEVANT FUND RAISING PROVISIONS OF THE UTAH CODE OF JUDICIAL CONDUCT:

RULE 3.7
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law,* the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

1. assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds;
2. soliciting contributions* for such an organization or entity, but only from members of the judge’s family,* or from judges over whom the judge does not exercise supervisory or appellate authority;
3. soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
4. appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;
5. making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and
6. serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
   a. will be engaged in proceedings that would ordinarily come before the judge; or
   b. will frequently be engaged in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT
The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions and other not-for-profit organizations, including law-related, charitable, and other organizations.

Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer or to perform similar functions at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

**RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE THE NEW CODE:**

*Judicial Ethics Opinions #98-3 (1998):* The executive director and/or other members of the Judicial Council task force may solicit funds for task force research and other activities so long as judges names and titles are not used in the efforts.

*Judicial Ethics Opinion #90-6 (1990):* Judge may serve as president or president-elect of a law-school alumni association, but should not be involved in fund-raising or investment of funds.

*Judicial Ethics Opinion No.89-8 (June 8, 1989):* Judge may not assist in fund-raising for a charitable or civic organization by participating in a “dunking booth” at a bar convention or midwinter meeting of the bar, the funds raised would be used for a drug prevention program in the public schools.

**46. VERMONT:** Administrative Order No. 10: Code of Judicial Conduct effective 1/31/2011:

**RELEVANT FUND RAISING PROVISIONS OF THE VERMONT CODE OF JUDICIAL CONDUCT**

**C. GOVERNMENTAL, CIVIC OR CHARITABLE ACTIVITIES.**
(3) A judge may serve as an officer, director, trustee or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law,* the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee or nonlegal advisor if it is likely that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(b) A judge as an officer, director, trustee or nonlegal advisor, or as a member or otherwise:

(i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority;

(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law,* the legal system or the administration of justice;

(b)(i) shall not personally participate if the membership solicitation is essentially a fund-raising mechanism;

(iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.

RELEVANT JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

Judicial Ethics Committee Number 2728-15(December 16, 2013) An elected judge may serve on the board of a nonprofit educational and advocacy organization established to improve the number of incarcerated persons, if the judge does not participate in fundraising.

47. VIRGINIA

RELEVANT FUNDRAISING PROVISIONS OF THE VIRGINIA CODE OF JUDICIAL CONDUCT
CANON 4

C. (3) A judge as an officer, director, trustee or non legal adviser of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or an educational, religious, charitable, fraternal or civic organization not conducted for, subject to the following limitations and the other requirements of the Code.

(a) A judge shall not serve as an officer, director, trustee or non legal advisor of a governmental, civic, or charitable organization if it is likely that the organization:
(i) will be engaged in proceedings that would ordinarily come before the judge, or
(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.
(b) A judge as an officer, director, trustee or non legal advisor, or as a member or otherwise:
(i) may assist such an organization in planning fund raising and may participate in the management and investment of the organization’s funds, but shall not personally solicit funds from other judges over whom the does not exercise supervisory appellate authority;
(ii) may make recommendations to public and private fund granting organizations on projects concerning the law, the legal system or the administration of justice so long as one organization is not favored over another;
(iii) shall not personally participate in membership solicitation if the solicitation if the membership solicitation might reasonably be perceived as coercive or, except as permitted in Section 4D(3)(B)(i), if the membership solicitation is essentially a fund raising or membership solicitation; and
(iv) shall not use or permit the use of the prestige of judicial office for fund raising or membership solicitations; and
(v) shall not be a speaker or guest of honor at an organization’s fund raising events, unless the events concern raising funds for improving access to the legal system for indigent or low income individuals, but may attend such events.

RELEVANT JUDICIAL ADVISORY OPINIONS:
Commonwealth of Virginia Judicial Ethics Advisory Committee Opinion 08-1 (May 28, 2008): A judge may not request offerings or tithes in any capacity. The Committee is also of the opinion that a judge should not act as a pastor or minister at a regular church service or take a position during a religious on issues of public controversy, as either may raise a question about the judges ability to act impartially or may create an appearance of impropriety. Beyond the general advice, the applicability of the Canons to specific factual situations would have to be addressed on a case-by-case basis. (See Dissenting Opinion)

Commonwealth of Virginia Judicial Ethics Advisory Committee Opinion 99-3 (Sept. 1, 1999): A retired judge may not solicit contributions for the National Judicial College except that a judge may solicit contributions from other judges over whom the judge does not exercise supervisory or appellate authority.

48. WASHINGTON  Supreme Court Adopted Revised Code effective January 1/1/2011.

RELEVANT FUND RAISING PROVISIONS OF THE WASHINGTON CODE OF JUDICIAL CONDUCT

RULE 3.7
Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:
(A) assisting such an organization or entity in planning related to fundraising, and participating in the management and investment of the organization’s or entity’s funds, or volunteering services or goods at fundraising events as long as the situation could not reasonably be deemed coercive;
(B) soliciting* contributions* for such an organization or entity, but only from members of the judge’s family,* or from judges over whom the judge does not exercise supervisory or appellate authority;
(C) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fundraising purpose, the judge
may do so only if the event concerns the law, the legal system, or the administration of justice;
(D) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
(1) will be engaged in proceedings that would ordinarily come before the judge; or
(2) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT
[1] The activities permitted by Rule 3.7 generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.
[3] Mere attendance at an event, whether or not the event serves a fundraising purpose, does not constitute a violation of paragraph (C). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fundraising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.
[4] Identification of a judge’s position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fundraising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons., however a judge may assist a member of the judge’s family in their charitable fundraising activities if the procedures employed are not coercive and the sum is de minimis.
[8] A judge may provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice; and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of services, or the administration of justice.
[9] A judge may endorse or participate in projects and programs directly related to the law, the legal system, the administration of justice, and the provision of services to those coming before the courts, and may actively support the need for funding of such projects and programs.

RELEVANT FUND RAISING PROVISIONS ISSUED AFTER THE NEW CODE:
The opinions below contain a reference to relevant provisions of the 2011 Code;

*Ethics Advisory Committee Opinion No. 16-05*: Judge may not participate as co-emcee in a program celebrating Latino culture and heritage in honor of Hispanic Heritage Month where his full title, as well the title of his co-emcee, were circulated, and the head the program decided to donate the proceeds to a local charity, which is an educational organization that helps Latino students. The flyers do not indicate it is a fundraiser, but when you click on the link to purchase tickets there is an indication that proceeds will benefit the organization.

*Ethics Advisory Committee Opinion No.06-11* (2006): A judicial officer, who serves as a member of the board of directors of a theological seminary operated by the church with which the judicial officer is associated, may not participate in presentations to other church members and church organizations for the purpose of cultivating and enhancing gifts and endowments for the operation of the seminary.

**RELATIVE FUND RAISING OPINIONS ISSUED BEFORE THE NEW CODE:**

Ethics Advisory Committee Opinion 07-04: A court may participate as a sponsor of a conference where funding will be provided both by grants and contributions from a major company, but the judicial officers should not personally engage in any fundraising in order to secure underwriting for the conference.

*Ethics Advisory Committee Opinion No. 02-10* (6/19/2002): A judge is the co-chair of a bar association legal education organization which has several projects.

1. “Canon 4(C) permits a judicial officer to make direct contact with staff of a fund granting agency to determine whether the interests of the agency encompass the project in which the organization is involved. The fund request may be made either orally or part of a written application for funding. The judicial officer may sign the funding application and follow up with telephone contact and in face-to-fact meetings to inquire about funding or the status of the application.”

2. “CJC Canon 4(C) makes an exception to the prohibition against soliciting funds by permitting a judicial officer to make recommendations to public and private fund granting agencies on projects and programs concerning the law, the legal system,
and the administration of justice. The prohibition against soliciting contributions from the public remains intact even for organizations devoted to improving the law, the legal system and the administration of justice.

*Ethics Advisory Committee Opinion No. 93-03 (2/12/93): “A court may not, through a program director who is a court employee, solicit financial support from corporations for the “Young Adult Court Mentor Program.” The advisory board members are permitted to personally solicit funds if it is done independently of the court and it employees.*

*Ethics Advisory Committee Opinion No. 93-29 (4/9/93): Proper for judicial officers to serve on the church finance commission which primarily deals with examining the budgets of various groups in the church and which advises the pastor and parish council regarding the budget. Cannot solicit funds or use prestige of office.*

**48. WEST VIRGINIA:** Supreme Court Adopted Revised Code effective November 15, 2015.

**RELEVANT FUND RAISING PROVISIONS OF THE WEST VIRGINIA CODE OF JUDICIAL CONDUCT:**

**Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

- Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:
  - assisting such an organization or entity in the management and investment of the organization’s or entity’s funds;
  - soliciting* contributions* for such an organization or entity, but only from members of the judge’s family,* or from judges over whom the judge does not exercise supervisory or appellate authority;
  - soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

1) will be engaged in proceedings that would ordinarily come before the judge; or

2) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-behalf profit organizations, including law-related, charitable, and other organizations.

3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

RELATIVE JUDICIAL ADVISORY OPINIONS ISSUED AFTER NEW CODE

West Virginia Advisory Opinion: 2017-15 judge may participate in a “dancing with the stars” fund-raiser for United Way in which people pay $5 to vote for their favorite dancer.

Opinion 9/16/16: Not permissible for a judge to collect monetary donations at her/his office, or to coordinate the collection efforts, on behalf of a deceased lawyer who had spent all of his savings on medical bills.
RELATIVE JUDICIAL ADVISORY OPINIONS ISSUED BEFORE NEW CODE

Opinion: 8/22/06 – Judge prohibited from writing a letter on behalf of a charitable organization when organization is going to use the letter for fund-raising purposes.

Opinion: 6/28/96 – Judicial officer may not serve as an organization’s chairperson for gift solicitations.

Opinion 4/11/96: A judicial officer should not participate in a charitable fund-raising activity sponsored by a local 4-H Foundation and the WVU Extension Service, with a judicial officer’s picture, name, and title would be placed in one of several jars containing the picture, name, and title of other people in the community as contestants in a competition in which the winner is the person whose picture is in the jar with the most money at the end of the contest.

Opinion 6/28/96: A judicial officer may not serve as an organization’s chairperson for gift solicitation.

Opinion 11/3/95: A part-time family law master should not solicit funds for the spouse’s church youth group. But see 10/7/94 opinion advising that a family law master may work in concession stands run by various groups supporting school activities and may as a maybe of a service cub stand at the entrance gate at the county fair and collect the entrance fee, as distinguished from soliciting funds.

Opinion 3/5/90: Judicial officer prohibited from participation in fund-raising aspects of charitable events

Opinion 7/26/88: Judicial officer may not be subject of a fund-raising “roast” for charity.

49. WISCONSIN

RELATIVE FUND RAISING PROVISIONS OF THE WISCONSIN CODE OF JUDICIAL CONDUCT:

SCR 60.05
COMMENT
This provision does not govern a judge's service in a non-governmental position. See par. (c) permitting service by a judge with organizations devoted to the improvement of the law, the legal system or the administration of justice and with educational, religious, charitable, fraternal or civic organizations not conducted for profit. For example, service on the board of a public educational institution, unless it were a law school, would be prohibited, but service on the board of a public law school or any private educational institution would generally be permitted under par. (c).
As provided in SCR 60.07(2), sub. (3)(b) does not apply to a judge serving on a part-time basis.
(c) A judge may serve as an officer, director, trustee or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of a nonprofit educational, religious, charitable, fraternal, sororal or civic organization, subject to the following limitations and the other requirements of this chapter:

COMMENT
2. A judge, in any capacity:
   a. May assist the organization in planning fund-raising activities and may participate in the management and investment of the organization's funds but may not personally participate in the solicitation of funds or other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority;
   COMMENT
   b. May make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system or the administration of justice;
   c. May not personally participate in membership solicitation if the solicitation reasonably may be perceived as coercive or, except as permitted in subd. 2.a, if the membership solicitation is essentially a fund-raising mechanism; and
   d. May not use or permit the use of the prestige of judicial office for fund raising or membership solicitation.
   COMMENT
Solicitation of funds for an organization and solicitation of memberships similarly involve the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control. A judge must not engage in
direct, individual solicitation of funds or memberships in person, in writing or by telephone except in the following cases: 1) a judge may solicit for funds or memberships other judges over whom the judge does not exercise supervisory or appellate authority, 2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves, and 3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge's signature.

SCR 60.05 should not be read as proscribing participation in de minimis fund-raising activities so long as a judge is careful to avoid using the prestige of the office in the activity. Thus, e.g., a judge may pass the collection basket during services at church, may ask friends and neighbors to buy tickets to a pancake breakfast for a local neighborhood center and may cook the pancakes at the event but may not personally ask attorneys and others who are likely to appear before the judge to buy tickets to it. Similarly, SCR 60.05 should not be read to prohibit judges from soliciting memberships for religious purposes, but judges must nevertheless avoid using the prestige of the office for the purpose of such solicitation.

Use of an organization letterhead for fund raising or membership solicitation does not violate subd. 2 provided the letterhead lists only the judge's name and office or other position in the organization and, if comparable designations are listed for other persons, the judge's judicial designation. In addition, a judge must make reasonable efforts to ensure that the judge's staff, court officials and others subject to the judge's direction and control do not solicit funds on the judge's behalf for any purpose, charitable or otherwise. A judge may be a speaker or guest of honor at an organization's fund-raising event provided there is no advertising of the judge as speaker or guest of honor in order to encourage people to attend and make contributions and provided that any contributions at the event are made prior to the judge's speech or presentation as guest of honor. A judge's attendance at such event is permissible if otherwise consistent with this chapter.

RELEVANT JUDICIAL ADVISORY OPINIONS:

Advisory Opinion 09-1 (January 30, 2009): If the Judge participates in a “polar plunge” event, a charitable event, the judge may not delegate to a third party the task of raising funds in the judge’s name, even though the third party does not inform the judge of the results and informs potential contributors that the judge will not learn whether or how much they contributed.
Advisory Opinion 05-1 (March 10, 2005): A judge’s image, name, and title may not be featured on a billboard as part of an advertising campaign by one to the University of Wisconsin System campuses.

Advisory Opinion 98-12: November 23, 1998 Selling fruit door to door to raise money for a charitable organization is a de minimis activity and permitted. (See opinion for synopsis of permitted de minimis activities.)

Advisory Opinion 98-7 (May 8, 1998): May a judge, without the use of the judge's letterhead, solicit non-lawyer friends and neighbors for contributions, ranging from $25 to $100, to a charity bicycle ride? No.

Advisory Opinion 98-5 (April, 1998) A judge, as a volunteer for an organization which distributes left-over food to shelters, community meal programs and food pantries, may not seek donations of food from restaurants located in the courthouse and state office buildings.

ISSUE II
A judge may not solicit non-monetary donations from local businesses to renovate a county group home for girls placed by the juvenile court?

50. WYOMING Supreme Court Adopted Revised Code Effective July 1, 2009.

RULE 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization’s or entity’s funds
(2) soliciting contributions* for such an organization or entity, but only from members of the judge’s family,* or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting contributions* for sick and organization or entity, even though the membership dues or fees generated may be used support the objectivities of the organization or entity is concerned with the law, the legal system, or the administration.

(4) appearing or speaking at, receiving an award or other recognition, being featured on the program of, and permitting his/her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice.

(5) making recommendations to such public or private fund-granting origination or entity in connection with the programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

COMMENT:

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private non-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[3] Mere attendance at an event, whether ornate the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office,
[3] Identification of a judge’s position in educational, religious, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge’s title or judicial office if comparable designations are used for other persons.

RELEVANT JUDICIAL ADVISORY OPINIONS AEW CODE AFTER THE NEW CODE:

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*Wyoming Advisory Opinion 2014-04:* The Wyoming Supreme Court can apply for publicly available competitive grants from private foundations whose stated purpose is concerned with the public education of matters related to the law.

*Wyoming Advisory Opinion 2012-02:* A judge is permitted to serve on the boards of two non-profit organizations, one which advances the understanding and resolution of complex environmental and natural resources, challenges and supports stockholder-driven solutions to environmental challenges by communicating relevant research, and promoting collaborative decision making, and the other which hosts a shot antelope hunt for women in Wyoming. The antelope hunt itself will create opportunities, encourage, educate, and mentor women’s responsible participation in the creational shooting and hunting sports, proud Wyoming traditions. However, the judge must be careful that any of the board’s activities do not conflict with other ethical issues.