

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 6 - 2024

RE: Propriety of a full-time magistrate court judge encouraging others to make non-monetary donations (i.e. canned goods, used clothing, or toys) to nonprofit organizations.

FACTS

A full-time magistrate court judge encouraging others to make non-monetary donations to nonprofit organizations. Certain local nonprofits conduct drives to collect for canned foods, clothing, or toys. The judge inquires into the propriety of encouraging others to donate to these philanthropic efforts/organizations if the judge makes the suggestions in a personal capacity and not referencing their status as judge.

CONCLUSION

A magistrate should not request or encourage others to make donations.

OPINION

While judges can serve in various capacities for a charitable organization, they are prohibited from fundraising. Canon 4C(3). The Commentary to 4C(3)(b) states:

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... a judge may solicit for funds or memberships other judges over whom the judge does not exercise supervisory or appellate authority....

Canon 2B of the Code of Judicial Conduct, Rule 501, SCACR, provides that a judge shall not lend the prestige of the judicial office to advance the interests of the judge or others. While the judge is not seeking monetary donations, requesting or encouraging others to donate non-monetary items

is the equivalent of fundraising. Thus, the judge can only seek or encourage donations from other judges over whom the judge does not exercise supervisory or appellate authority. In addition, the judge would be lending the prestige of judicial office to advance the interests of the philanthropic organizations. Even if the judge sought to do so in a personal capacity, because of the judge's position, others could feel compelled to donate. Thus, while the causes the judge supports are honorable, the judge should not encourage others to donate to these organizations.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

s/ William H. Seals, Jr.
WILLIAM H. SEALS, JR.

s/ Ariail E. King
ARIAIL E. KING

June 27, 2024