

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 10 - 2020

RE: Propriety of a Magistrate Court Judge participating in a formal theological debate where the host church will seek an offering to aid ministries and people in India/Asia.

FACTS

A Magistrate Court Judge is enrolled in a Ph.D. program in theology and is writing a dissertation on a famous theologian and philosopher. Out of these studies, a topic has arisen that has led to a formal public dialogue/debate opportunity that the Magistrate will participate in with three other theologians. The debate will take place at a local church. The host church desires to have a “love offering” during the intermission of the debate to raise funds for compassion and mission work to poor ministries and people in India and Asia. The Magistrate would not be personally seeking, promoting, or soliciting any donations, nor would the Magistrate physically collect any of the donations. The Master of Ceremonies and elders from the host church would speak about the offering and take up the collection during the intermission of the 3-hour debate. The Magistrate could leave the stage during this intermission if necessary. The Magistrate inquires as to the propriety of participating in a debate where the host site seeks an offering.

CONCLUSION

A Magistrate Court Judge may participate in a formal theological debate where the host church will seek an offering to aid ministries and people in India/Asia, provided that the Magistrate does not personally seek or collect any funds and provided that the Magistrate does not remain on the stage during the offering.

OPINION

The Committee has not addressed this exact situation before. The most similar decision is Opinion 26-2000 in which a full-time circuit court judge inquired as the propriety of participating in a church video encouraging parishioners to become active in the church and its fund-raising activities. We noted that a judge is permitted to 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 other limitations of the Canons. Rule 501, Canon 4C(3), SCACR (emphasis added). In addition, a judge may speak, write, lecture and teach in other non-judicial activities, including non-legal subjects. Canon 4B. However, a judge is not permitted to personally participate in the solicitation of funds or other fund-raising activities. Canon 4C(3)(b)(i). In Opinion 26-2000, we determined that participation in a church video aimed at encouraging parishioners to become active in the church and its fund-raising activities involved personal participation by the circuit court judge and therefore, participation in the video was not appropriate.

Here, the Magistrate intends to speak on a non-legal subject, as is permissible by Canon 4C(3). However, while the Master of Ceremonies and church elders of the host church will seek an offering during an intermission, the Magistrate will not be personally seeking funds or collecting any donations. Furthermore, the Magistrate has the opportunity to leave the stage during the intermission/offering to avoid any appearance of impropriety. This Committee has determined that such action would be appropriate. Thus, the Magistrate may participate in the debate provided that the Magistrate does not seek any offerings prior to or during the debate and

provided that the Magistrate leaves the stage during the offering portion of the event. In addition, the Magistrate is cautioned not to use the title of judge in any advertising of the event or at the debate itself.

s/ Letitia H. Verdin
LETITIA H. VERDIN, CHAIR

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

August 10, 2020