

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 11 - 2019

RE: Propriety of a full-time magistrate serving as the listed agent of a 501(c)(4) organization and/or acting as the director of a 501(c)(4) organization.

FACTS

A full-time magistrate judge has inquired into the propriety of a magistrate serving as the listed agent of a 501(c)(4) organization and/or acting as the director of a 501(c)(4) organization. A 501(c)(4) designation refers to a classification in the Internal Revenue Code which provides a tax exemption for social welfare organizations that are not organized for profit but act exclusively to promote social welfare. Serving as an agent for the organization is not a compensated position, but serving as a director is. However, the director does not act in any political manner as the political actions are handled by a lobbyist. The judge inquires as to the propriety of serving in either or both of these roles.

CONCLUSION

A full time magistrate may serve as the listed agent of a 501(c)(4) organization and may act as the director of a 501(c)(4) organization.

OPINION

Appellate Court Rule 501 SCACR, Canon 4, does allow a judge to be involved in certain community activities and is not intended to totally isolate a judge from the society in which the judge lives and works. Canon 4C(3) permits a judge to serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal or civic organization not conducted

for profit, with certain limitations. A judge should not become involved if the organization is likely to appear before the judge. In addition, the judge can participate in the planning of fund-raising events but shall not personally participate in the solicitation of funds. Canon 4C(3)(b).

Previously, we have found it was acceptable for a full-time judge to sit on the board of directors of a charitable organization provided the other limitations of the Code are met. See, e.g., Opinion 6-2017 (full-time judge may serve on the board of directors for non-profit organization on aging). It does not appear that any previous decision has addressed compensation for directors but we see no reason to prohibit a judge from serving as a director of a charitable organization based on the fact that the judge will be compensated. In addition, we see no violation of the Canons for the judge to be named as agent for the organization, provided that the listing does not indicate the judge's judicial status and the address should not be that of the judge's judicial office.

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

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

September 9, 2019