

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 14 - 2019

RE: Propriety of a part-time magistrate who also serves as a director for a non-profit charitable organization receiving an allocation of funds from the county to assist in the organization's mission.

FACTS

A part-time magistrate judge currently serves as the director of a non-profit charitable organization that works with pre-kindergarten through sixth grade students in the community. Along with funds from other community sources, the organization receives an allocation of funds from the county to assist with the mission. The judge inquires as to whether the county allocation is considered solicitation of funds.

CONCLUSION

An allocation of county funds for a non-profit charitable organization is not considered prohibited fund-raising under the Code of Judicial Conduct.

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. However, under the Code, a judge shall not personally participate in the solicitation of funds. Canon 4C(3)(b).

This Committee has not addressed the question presented by the inquiring judge. However, a judicial advisory opinion from Oklahoma has addressed a similar issue. In that matter, a judge with Drug Court responsibilities inquired as to whether the judge could participate as an applicant for grant funding for allocation of appropriated funds to the existing Drug Court. Judicial Ethics Opinion 2002-2, 73 P.3d 278 (Okla. Jud. Eth. 2002). The ethics committee there determined that the grant request was not solicitation or “fundraising activity” stating:

It is our opinion that a grant request under these circumstances is not a solicitation of funds as prohibited by Canon 4(C) or a violation of Canon 4. We consider the request to be for allocation of appropriated funds to the existing and entitled Drug Court. This grant request is analogous to the mandated budget request for the operation of a District Court from funds appropriated in general for all such courts, and is not a “fundraising activity”.

Id. At 279. Obviously, there are some differences here, in that the inquiring judge is not receiving an allocation for the court on which the judge serves, but for a not-profit charitable organization. In addition, the facts are silent as to whether the inquiring judge must submit a budget or a request to the county for an allocation or if some other individual in the organization is responsible for such request. However, we agree that a request for an allocation from county funds, or a receipt of such allocation, is not “fund-raising” activity, provided that the judge’s title is not used in any request for funds or in the county’s allocation of the funds. Under this restriction, the judge may seek and/or receive an allocation from the county to assist in the organization’s mission.

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

s/ Usha Jeffries Bridges  
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock  
KEITH M. BABCOCK

October 14, 2019