

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 94-15  
(December 14, 1994)

**Using Court Letterhead to Solicit Funds  
for Charitable Organizations**

**Issues**

1. Is it ethical for judges to allow a court administrator to solicit funds for a charitable organization on letterhead that identifies the court but not the individual judges that constitute the court?

**Answer:** No.

2. If not, can a court, acting in its role as a division of local government, circulate the information provided by the city as long as the administrator and the judges refrain from endorsing the program?

**Answer:** Yes, with qualifications.

3. Does it make a difference if contributions are solicited for a combined program rather than a specific charity?

**Answer:** No.

**Facts**

A municipality conducts a fund-raising program each year by encouraging contributions to local charities through a combined solicitation plan that permits payroll deductions for organizations designated by the employees. The city's court administrator strongly supports the program and encourages court employees to participate by sending them a letter inviting them to use the plan. The letter is printed on court stationery that does not identify the names of any judges. It does, however, refer to the "court's commitment to community involvement" and specifically endorses the solicitation plan.

**Discussion**

**Issue 1**

It is not ethical for judges to allow their court administrator to solicit funds for a charitable organization on letterhead that identifies the court but not the individual judges that constitute the court.

Canon 2B provides in part that "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others." The commentary to Canon 2B further states in part, "Similarly, judicial letterhead or any stationery identifying the judge as such

## Advisory Opinion 94-15

must not be used for conducting a judge's personal business." In addition, Canon 4C (4)(b) specifically provides that "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 office for that purpose."

A judge or judges acting collectively constitute a court. Judges or the court should not be involved with solicitation or fund-raising either directly or by implication. The court's administrator and any staff acting under the authority of the court or judges thereof similarly should not in their official capacities be involved with solicitation or fund-raising.

The use of court letterhead, even without the name or names of judges displayed, could be construed as lending prestige of judicial office to advance the private interests of others. Furthermore, it seems clear that the use of judicial stationery for this purpose obviously involves the solicitation of funds and the use of prestige of judicial office to assist in the solicitation of funds for a charitable organization. To permit a solicitation of this type even if directed only at court employees is improper. Canon 4 provides for no distinction between the general public and court employees. *See also* Cal. Ops. 41 and 42; Ga. Op. 74; N.Y. Op. 88-23; and Tex. Ops. 110 and 131.

### **Issue 2**

A court acting in its role as a division of local government may circulate the information provided by the city as long as the administrator and the judges refrain from endorsing the program. Court personnel, other than judges, may solicit funds for charitable organizations, churches or civic projects as long as the prestige of the judges or the court is not used for this purpose and the employees act in an unofficial capacity and not on behalf of the court. The solicitation cannot interfere or conflict with the official duties of the court or court personnel and the appearance of impropriety must be avoided. *See* Canons 2A, 2B, and 4C(4)(b), and Tex. Ops. 110, 111, and 112.

### **Issue 3**

It makes no difference if contributions are solicited for a combined program rather than a specific charity. The appearance of propriety must be maintained at all times. In fact, it could be argued that solicitations for a combined program provide for an even greater opportunity for impropriety to occur in that the individual agencies or beneficiaries of such solicitations may not be clearly identified. Additionally, such agencies or beneficiaries may be changed from time to time, i.e., new agencies may be included or old agencies excluded or dropped from the eligible lists. There may be a real danger that one or more of the beneficiaries of such programs may be involved with controversial issues or possibly discrimination issues. Some examples might be shelters for victims of domestic violence; alcohol or substances abuse treatment centers; or highway and traffic safety programs benefitting victims of crimes related thereto or possibly law enforcement programs. If these individuals or groups have the potential of becoming litigants or parties before the court, this certainly gives rise to the appearance of impropriety and arguably puts in question the impartiality of the court. *See* Canon 3 and Wash. Op. 89-10.

## Advisory Opinion 94-15

In conclusion, it is ethically improper for judges, court administrators, or other court personnel to use court or judicial stationery to solicit funds for charitable organizations. However, a court and its staff may participate as a division of local government in such programs so long as there is no active endorsement promoting or encouraging such programs and no official solicitation of funds by court personnel. To permit otherwise would create an impression that individuals contributing to such charities or organizations solicited by the court or its staff will gain favor with the court while those not contributing may gain ill will of the court. It may also give the impression that the court is biased in favor of individuals or groups that may benefit from such solicitations. Judges and courts should not lend the prestige of the judicial office to advance the private interests of judges or others.

### **Applicable Code Sections**

Arizona Code of Judicial Conduct, Canons 2A, 2B and Commentary, 3 and 4C(4)(b) (1993).

### **Other References**

California Committee on Judicial Ethics, Opinions 41 (July 8, 1989); 42 (Sept. 16, 1989).

Georgia Judicial Qualifications Commission, Opinion 74 (Oct. 25, 1985).

New York Advisory Committee on Judicial Ethics, Opinion 88-23 (March 14, 1988).

Texas Committee on Judicial Ethics, Opinions 110 (Jan. 29, 1988); 111 (Jan. 29, 1988); 112 (Jan. 29, 1988); 131 (Sept. 20, 1989).

Washington Ethics Advisory Committee, Opinion 89-10 (May 22, 1989).