

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 04-04
December 16, 2004

Participation as Guest of Honor in Fund-Raising Activity

Issues

1. May a judge be inducted into a school district's hall of fame during a fund-raising dinner for student scholarships?

Answer: Yes, with qualifications.

2. If so, may the judge be recognized for his achievements as a judge as well as for his involvement in the community as a lawyer?

Answer: Yes, with qualifications.

Facts

A judge has been invited to join a high school district's hall of fame and would be recognized, along with eleven other alumni, during an induction ceremony at a fund-raising dinner for student scholarships. At his request, the judge's title and position would not be publicized, and the association would only list his name, without reference to his position, on invitations for the event. The judge would be honored for his accomplishments as a lawyer and his many civic activities in the community and on behalf of the district.

Discussion

This committee has previously addressed the issue of a judge's involvement in fund-raising activities. Canon 4C(4), the controlling ethical standard for this issue, states:

A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit use of the prestige of office for that purpose, but a judge may be listed as an officer, director or trustee of such an organization, so long as the listing is not used for fund-raising purposes. A judge should not be a speaker or the guest of honor at an organization's fund-raising events, but may attend such events.

In Opinion 00-06, we discussed a variety of scenarios concerning the participation of judges in fund-raising events. That opinion states that in determining the propriety of a judge's involvement in a fund-raising activity, two fundamental questions must be answered. The first is whether a judge's conduct amounts to a solicitation of funds. The judge in this case has been asked to attend the dinner to be inducted into the school's hall of fame. Based on that limited involvement, the judge is clearly not soliciting funds. However, this does not end the inquiry. This committee has always been careful in its

Advisory Opinion 04-04

approval of a judge's participation in fund-raising events not only because of the prohibition against the obvious act of soliciting funds, but also because the judge's presence at a fund-raising event can be perceived as a method of enticing individuals who attend the dinner to contribute to the scholarship fund. In this instance, however, we believe that this concern is alleviated by the fact that the judge will not use his title on the program. The judge may be introduced by his title when his name is announced as an inductee in the hall of fame, but it should not be used to generate interest in the event.

The second question is whether the judge is a speaker or a guest of honor at a fund-raising event. Here, the judge is not the featured speaker and his activities are limited to his attendance at the dinner and his induction into the hall of fame. Generally speaking, a person receiving an award or special recognition at a public event is considered a "guest of honor" at the event. *See* Ill. Adv. Op. 01-04 and Penn. Adv. Op. 14 (1974). The judge in this situation is clearly a guest of honor at the dinner, as he is being honored for his community involvement, his career as an attorney and possibly for his judicial achievements.

This committee noted in Opinion 00-06, Issue 10, that the language in the code prohibiting a judge from appearing as a guest of honor is intended to prevent a judge's title and position from being used to raise money and to ensure that a judge's participation would not reflect adversely upon his or her impartiality or interfere with the performance of the judge's duties. Canon 4C, Canon 2A and Canon 4A(1). In the present scenario, the judge is one of eleven guests who will be inducted into the hall of fame. Consequently, the attention afforded to him that evening will be shared among other individuals. This makes it clear that he is being honored for his achievements rather than using his position to raise funds. This dispersed attention also makes it less likely that potential donors will believe that they might curry the judge's favor by contributing to the scholarship fund since the judge is one of many guests being honored that evening.

The judge may not be honored at a fund-raising event if his participation could be construed as lending the prestige of judicial office to advance the private interests of others and to assist in the solicitation of funds for a charitable organization. Ariz. Ops. 94-4 and 00-06. The school district may recognize the judge for other reasons, such as his community involvement and his achievements as a lawyer, and the judge's achievements while on the bench that enhance the general administration of justice or the public's understanding of the judicial system. The focus should not, however, be on the judge's rulings in any cases or matters involving any issues that have or may come before the judge.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 2A, 4A(1) and 4C(4) (1993).

Other References

Arizona Judicial Ethics Advisory Committee, Opinions [94-04](#) (April 8, 1994); [00-06](#) (Dec. 18, 2000).

Advisory Opinion 04-04

Illinois Judicial Ethics Committee Opinion 01-04 (May 1, 2001).

Pennsylvania Conference of State Trial Judges, Judicial Ethics Committee Opinion 14 (1974).