

Maryland Judicial Ethics Committee

Opinion Request Number: 2001-33

Date of Issue: December 5, 2001

Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judge's Attendance at Fundraising Event for Judicial Candidate

Issue: May a judge attend a political fund raising event for judges of another court?

Answer: No.

Discussion: In [Opinion Request No. 1979-01], issued on January 31, 1979, this Committee advised that a judge should not attend a fund raising event for the judge's spouse, noting that former Canon XXVII limited a judge's participation in partisan events to those necessary in connection with the judge's own campaign. In so doing, this Committee cited [Opinion Request No. 1972-01], issued April 7, 1972, as to the impropriety of a judge "publicly to support or endorse the candidacy of any individual seeking election to office" and [Opinion Request No. 1975-08], issued July 7, 1975, as to the applicability of the proscription to a candidate "whether judicial or non-judicial".

The restrictions noted in these opinions currently appear in Canon 5A, which exhorts that "[a] judge who is not a candidate for election, re-election, or retention to judicial office should not engage in any partisan political activity". In contrast is the latitude allowed one judicial candidate for another, as noted in the Committee Note to Canon 5B, which described Canon 5B2 as being "derived from ABA Canon 7A(1)(b) and current Md. Canon XXVII, although the ABA language probably is broad enough even to prohibit a judge from endorsing another judge who is also a candidate. However, public endorsement by one judicial candidate of another judicial candidate has long been permitted in Maryland. See [Opinion Request No. 1974-03] (issued 4/25/74)." This view was endorsed in [Opinion Request No. 1980-08], issued August 29, 1980, in which this Committee quoted from the portion of [Opinion Request No. 1978-07], issued January 16, 1979^{*}, reading:

It is apparent that the purpose of the exception in Canon XXVII is to allow a judge, who must seek election, to advance his candidacy like other candidates for elective offices. Legitimate political activity that directly or even indirectly furthers one's own candidacy is permitted under the Canon. Examples are attendance at political fund raisers of other political candidates ([Opinion Request No. 1978-02], *supra*, the joint judicial campaign of sitting judges [Opinion Request No. 1974-03]), issued April 25, 1974), and public appearances on behalf of other judges in a joint campaign ([Opinion Request No. 1974-05], *supra*). It is evident that the exception is sufficiently broad to permit most types of campaign activities designed to enhance one's own possibilities for election. However, the exception is not so far-reaching as to allow political contributions which cannot in any manner be expected to benefit

* Although this Opinion, as issued, referred to the opinion now numbered Opinion Request No. 1979-01, the quotation and date of issuance correspond to Opinion Request No. 1978-07.

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the candidacy of the contributor.

Accordingly, this Committee believes that, as you are not a judicial candidate, it would be inappropriate for you to attend such a fund raising event.