

Maryland Judicial Ethics Committee

Opinion Request Number: 1974-02

Date of Issue: April 29, 1974

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge May Attend Testimonial Dinner Given in Judge's Honor If Not Related to Fundraising

The Judicial Ethics Committee of the Maryland Judicial Conference at its meeting on April 19 considered your letter of April 1 which made inquiry as regards the propriety of your accepting an invitation to a testimonial dinner to be given in your honor by X Council.

Maryland Canon XXIV provides:

“A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.”

Maryland Rule 8 provides:

“A judge shall not, directly or indirectly, lend the influence of his name or the prestige of his office to aid or advance the welfare of any private business or permit others to do so. He shall not personally solicit funds for any purpose, charitable or otherwise.”

As a consequence, there is no impropriety in your attending a testimonial dinner given in your honor, so long as the dinner is not directly or indirectly related to a campaign for or solicitation of funds, which would even include a situation where the price of the ticket was in excess of the cost of the dinner. As you are aware, should there be a presentation to you of a gift, this will have to be taken into account in the preparation of your next Financial Disclosure Statement.