

Maryland Judicial Ethics Committee

Opinion Request Number: 1975-01

Date of Issue: February 19, 1975

Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judge Not to Be Guest of Honor at Fundraiser

The Judicial Ethics Advisory Committee has considered your letter of February 3, making inquiry as to the propriety of your attending a luncheon to be given in your honor on May 18, 1975, by the Maryland Chapter of [X organization].

You state that the luncheon is held annually; that the major attraction is a guest speaker, and that a resident of Maryland is honored by being designated as Woman of the Year. Invitations to the luncheon are mailed to members of the Chapter, as well as to relatives and friends of the recipient of the award. The invitations will indicate that the luncheon is for the benefit of the Y in _____ and Z Relief Fund.

Because of the fact that the price of the luncheon tickets covers only the cost of the luncheon, the funds to be donated to the designated charities are derived from the publication of a souvenir program which contains messages of congratulations to [X organization], the guest speaker, and the recipient of the award. Members of the Chapter personally solicit such messages from business and community leaders who have contributed over the years and from members of the family and friends of the recipient of the award who are designated by her.

In April of 1974 [Opinion Request No. 1974-02], our Committee had occasion to rule on the propriety of a judge's acceptance of an invitation to a testimonial dinner to be given in his honor by a charitable organization. In our opinion letter we referred to Maryland Canon XXIV, which 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.”

and to Maryland Rule 8, which 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.”

We concluded that there was no impropriety in a judge's attendance at a testimonial dinner given in his honor so long as the dinner is not directly or indirectly related to a campaign for funds or to the solicitation of funds, which would even include situations where the price of the tickets exceeded the cost of the dinner.

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O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice
Page 2 of 2

It is the Committee's opinion that the solicitation of contributions in support of the souvenir program comes squarely within the prohibition contained by the Canon and the Rule.