

Maryland Judicial Ethics Committee

Opinion Request Number: 1976-07

Date of Issue: July 8, 1976

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Lawyers and Laymen May Solicit Funds for Restoring Art Objects in Courthouse If Judges Not Involved in Fundraising

You have advised the Judicial Ethics Committee that a Special Committee composed of several [judges] has been appointed to formulate plans for the restoration and preservation of numerous historical treasures in ____ Court House, and that a subcommittee has been charged with the restoration of several valuable murals. In order to secure funds for the restoration of the murals, you propose to invite outstanding citizens, including members of the _____ Bar Association, to become members of your committee. You have asked whether it would be permissible for this expanded committee “to solicit contributions for this undertaking under the sponsorship of the [Court].”

Two provisions of the Canons and Rules of Judicial Ethics, Maryland Rule 1231, directly relate to the solicitation of funds by judges. 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.” (Emphasis supplied.)

Rule 9 states:

“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*.” (Emphasis supplied.)

The Judicial Ethics Committee believes that the above Canon and Rule clearly proscribe solicitation by [judges] in the manner contemplated. *See also* [Opinion Request No. 1975-03], issued April 3, 1975.

As you have pointed out, however, members of ____ Bar Association and other outstanding citizens may also be interested in soliciting funds for the proposed restoration of the art objects and historical treasures. We see nothing wrong with attorneys and other persons soliciting funds for this purpose and giving the proceeds to your Committee, as long as judges have no role in selecting such attorneys or other persons and have no role in the solicitation, and as long as the solicitation is not done under the aegis of the [Court].