

Maryland Judicial Ethics Committee

Opinion Request Number: 1979-01

Date of Issue: January 31, 1979

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge Not to Attend Fundraisers for Spouse's Reelection

You have requested our opinion as to the propriety of your attendance at a breakfast in honor of your wife on February 18, given by her fund-raising committee to honor her service and to raise funds for her re-election to the _____ Council.

Canon XXVII provides:

“While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another.

“He shall neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities.

“Where, however, it is necessary for judges to be nominated and elected as candidates of a political party, nothing herein contained shall prevent the judge from attending or speaking at political gatherings, or from making contributions to the campaign funds of the party that has nominated him and seeks his election or re-election.”

The second paragraph of the Canon specifically prohibits engaging generally in partisan activities. Since, as a _____ Court Judge, you do not fall within the exception contained in the third paragraph pertaining to the necessity to be nominated and elected as a candidate of a political party, the Committee believes that your attendance at your wife's breakfast violates the terms of Canon XXVII.

[Opinion Request No. 1972-01], issued April 7, 1972, indicates:

“It would be improper for a judge publicly to support or endorse the candidacy of any individual seeking election to office...”.

[Opinion Request No. 1973-06], issued May 23, 1973, reinforces this interpretation. The Committee said:

“The general rule, of course, is that a judge may not engage in any partisan political activity. ...

“In his July 21, 1971, directive, Chief Judge Hammond said: It is improper for a judge to attend political fund raising functions...”.

This determination is further reinforced by [Opinion Request No. 1975-08], issued July 7, 1975, which prohibits specifically endorsing a candidate for election to office, whether judicial or non-judicial.

Since one of the articulated purposes of the breakfast is to raise funds for the re-election of a political candidate, the Committee believes your attendance would be improper.