

Maryland Judicial Ethics Committee

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Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judge May Be Post Commander or District Advocate of the Veterans of Foreign Wars If Soliciting of Funds or Rendering of Legal Advice or Assistance Is Not Involved

A judge has inquired whether it would be permissible for him to serve as Commander of a Post of the Veterans of Foreign Wars or as Advocate for a District of that organization.

Canon 4C of the Maryland Code of Judicial Conduct provides that:

“A judge may participate and serve as a member, officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, law-related or civil [sic] organization not conducted for the economic or political advantage of its members subject to [certain conditions].”

The condition particularly relevant here is that:

“A judge should not solicit funds for any such organization, or use or permit the use of the prestige of the judge’s office for that purpose, but a judge may be listed as an officer, director, or trustee of the organization.”

The judge has submitted to the Committee selected parts of the Constitution of the organization defining the purpose of the organization, the duties of Post Commander and Post Advocate, and restrictions on fund-raising activities. Based upon those provisions, we conclude:

- (1) That the Veterans of Foreign Wars is a fraternal or civil [sic] organization for purposes of Canon 4C;
- (2) That subject to the condition noted above, the judge may serve as Post Commander;
but
- (3) That if the duties of Advocate for the District involve the rendering of legal advice or assistance, as do the duties of Post Advocate under Section 218 of the organization’s Constitution, the judge may not serve in that capacity.