

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 2008-06

**Date of Issue:** April 7, 2008

■ Published Opinion    □ Unpublished Opinion    □ Unpublished Letter of Advice

Judge, as Trustee of a College, May Co-Host Outreach Event for Alumni Who Are Lawyers, in Order to Stimulate Interest in the College and Inform Attendees About Career Development Efforts at the College

**Issue:** May a judge, as trustee of a college, co-host an outreach event for alumni who are lawyers in order to stimulate interest in the college and its career development efforts? If so, may the judge's judicial title be used on the invitation?

**Answer:** Yes.

**Facts:** The requesting judge serves as a trustee of a particular college. Such service was approved by this Committee. The judge seeks to co-host a breakfast outreach for graduates of the college who are lawyers, in an effort to stimulate interest in the college and inform the attendees of the college's career development efforts. Graduates of the college who are currently law students may also be invited. There will not be any solicitation of funds at the outreach event. Several other lawyers will also serve as co-hosts. The names of the lawyers who are serving as co-hosts will be followed by the professional title "Esquire."

**Discussion:** Canon 4C(4)(a) provides that, subject to other provisions of the Code, a judge may serve as a trustee of an educational organization. Notwithstanding that provision, Canon 4C(4)(d)(i)(B) provides that "[a] judge shall not participate personally in a membership solicitation that reasonably might be perceived as coercive or . . . is essentially a fund-raising mechanism." In general, a judge may not use or lend the prestige of the judicial office for fund-raising or membership solicitation. Canon 4C(4)(d)(iii). The Comment to Canon 4C(4)(d), however, provides that "a judge may solicit membership and encourage or endorse membership efforts for the organization, as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fund-raising mechanism."

We conclude that the outreach, as described, is neither a fund-raiser nor an overt membership solicitation, but rather an event designed to stimulate alumni commitment to their alma mater. Moreover, insofar as that purpose could be construed as a de facto membership solicitation, we conclude that the judge's involvement is permissible under the Comment to Canon 4C(4)(d) because such solicitation cannot reasonably be perceived as coercive and it "is not essentially a fund-raising mechanism."

Regarding the question of whether the judge's judicial title may be used on the invitation, the

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Comment to Canon 4C(4)(d) provides: “Use of an organization’s letterhead for fund-raising or membership solicitation does not violate Canon 4C(4) if the letterhead lists only the judges’s name and office or other position in the organization. A judge’s judicial office *also may be listed if comparable information is listed for other individuals.*” (Emphasis added.) Again, insofar as the outreach constitutes membership solicitation, the use of the judge’s judicial title may be used on the invitation so long as the listing of the other outreach co-hosts includes their respective professional titles, namely “Esquire.”

**Application:** The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the requestor described in this opinion, to the extent of the requestor’s compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this opinion.

Additionally, this opinion should not be considered to be binding indefinitely. The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If you engage in a continuing course of conduct, you should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.