

Judicial Ethics Committee
Advisory Opinion 21-03

October 4, 2021

QUESTION:

The Judicial Ethics Committee has been asked for an opinion on whether a judge or judicial candidate can agree to be listed as a member of a host committee for a fundraiser for another judge or judicial candidate.

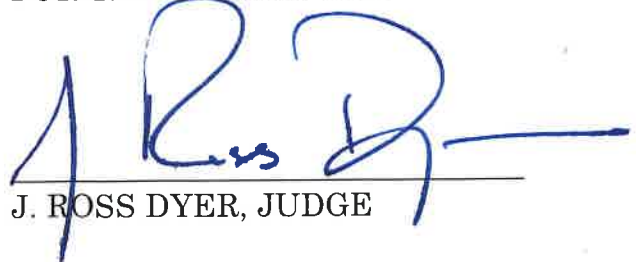
ANSWER:

No. While the Code of Judicial Conduct (the “Code”) allows judges and judicial candidates to publicly endorse or oppose judges or judicial candidates in a partisan, nonpartisan, or retention election for any judicial office, *see* RJC 4.2(C)(4), the Code prohibits a judge or judicial candidate from soliciting funds for a political organization or a candidate for public office. RJC 4.1(A)(4).

DISCUSSION

The question posed to the Committee concerns judges or judicial candidates involved in a partisan, nonpartisan, or retention election asking other judges or judicial candidates to be listed as a host for a fundraising event for the candidate. While, as noted above, the Code allows judges and judicial candidates to publicly endorse other judges and judicial candidates, the Code clearly prohibits judges or judicial candidates from soliciting funds for a political organization or candidate for public office. RJC 4.1(A)(4). Accordingly, when read as a whole, the Code’s prohibition on soliciting funds precludes judges or judicial candidates from being listed as hosts for a fundraising event. Though the judge or judicial candidate may not be directly soliciting funds for a candidate, the inclusion on the list of hosts and supporters on a fundraising invitation is clearly an indirect solicitation of funds, and the Code makes no distinction between direct or indirect solicitations. Rather, the Code clearly states that a judge or judicial candidate “shall not” solicit funds for a candidate for public office. RJC 4.1(A)(4). Therefore, even an indirect solicitation is prohibited, thus, making the inclusion as a host for a fundraiser also prohibited.

FOR THE COMMITTEE:



J. ROSS DYER, JUDGE

CONCUR:

Judge Angelita Blackshear Dalton

Judge Tammy Harrington

Judge Deana Hood

Judge Timothy E. Irwin

Judge Betty Thomas Moore

Judge Jerry Stokes