

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 9 - 2017

RE: Propriety of a circuit court judge giving the invocation at an annual fund-raising event for a local hospital.

FACTS

A circuit court judge has been asked to give the invocation at an annual fund-raising event for a local hospital and inquires as to whether doing so would violate the Code of Judicial Conduct.

CONCLUSION

A circuit court judge may give the invocation at an annual fund-raising event for a local hospital, provided that no reference to the judge's position is made in advertising the event or on the program for the event and the judge does not engage in selling tickets or otherwise participate in the fund-raising.

OPINION

A judge may serve as an officer, director, trustee or non-legal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal, or civic organization not conducted for profit, subject to limitations and other requirements of the Code. Rule 501, SCACR, Canon 4C(3). A judge, as an officer, director, trustee, or non-legal advisor, or as a member or otherwise, may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds or other fund-raising activities, except that a

judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority. Canon 4C(3)(b)(i).

We have previously found that a full-time judge could participate as a dancer in a fund-raiser for a religious organization, where the judge would not personally solicit funds and the judge's title would not be used in promotional materials. See, Op. No. 11-2013. We have also allowed a judge to participate in a fund-raiser as a volunteer in a dunk tank as long as the judge's position was not used in promotional material and the judge was not required to solicit any funds. See Op. No. 5-2017. The factual situation presented here is similar to Opinions No. 11-2013 and 5-2017. Thus, as long as the judge complies with the Canon prohibiting personal solicitation of funds, and does not use the prestige of judicial office in the advertising (including programs for the event) of the fund-raiser, the judge may give the invocation.

S/ A. Camden Lewis  
A. CAMDEN LEWIS, CHAIRMAN

S/ Jocelyn B. Cate  
JOCELYN B. CATE

S/ Letitia H. Verdin  
LETITIA H. VERDIN

July 24, 2017.