

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 2 - 2024

RE: Propriety of a part-time magistrate creating a non-profit civic organization for women in the community.

FACTS

A part-time magistrate judge is contemplating creating non-profit organization to benefit the women in the community. The organization would encourage education and a strong work ethic, as well as providing guidance on how to obtain better jobs, how to complete job applications and résumés, coaching for job interviews, and other activities to increase the self esteem of young women in the community. The judge and other women in the community would lead the group. The judge does not have any current plans for fund-raising.

CONCLUSION

A part-time magistrate judge may create and serve as director of a non-profit civic group to benefit women in the community.

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 the limitations and other requirements of the Code. Rule 501, Canon 4C(3), SCACR.

Here, the judge intends to be the creator and director of a non-profit civic organization to improve the lives of women in the community by focusing on education and job opportunities and how to prepare for such opportunities. Such service is permissible under Canon 4C(3).

The judge does not have any plans for fund-raising at this time. However, the judge is cautioned that the Canons do not allow a judge to personally solicit funds. The Canons allow a judge, as an officer, director, trustee, non-legal advisor, or member of a nonprofit, charitable organization, to assist such organization in planning fund-raising and may participate in the management and investment of the organizations funds. Canon 4C(3)(b)(i), Rule 501, SCACR. However, personal solicitation of funds or other fundraising activities is prohibited, 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), Rule 501, SCACR. The Commentary states, "[s]olicitation of funds for an organization...involve[s] the danger that the person [being] solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control." Even if a judge does not use the prestige of the office to solicit funds, there is still a danger that the person being solicited will feel obligated to the judge. This is true whether or not the judge seeks monetary donations, donations of goods, or other activities to benefit a non-profit organization.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

s/ William H. Seals, Jr.
WILLIAM H. SEALS, JR.

s/ Ariail E. King
ARIAIL E. KING

May 28, 2024