

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 3 - 2018

RE: Propriety of a family court judge participating in the American Inns of Court.

FACTS

The American Inns of Court have been in existence in South Carolina for some time. The American Inns of Court is an association of lawyers, judges, and other legal professionals from all levels and backgrounds. Through regular meetings, members are able to build and strengthen professional relationships; discuss fundamental concerns about professionalism and pressing legal issues of the day; share experiences and advice; provide mentoring opportunities; and advance the highest levels of integrity, ethics, and civility. A steering committee has been formed and created for a new chapter. A family court judge in the area is on the steering committee and wishes to participate in the chapter. However, because each inn determines its own membership by extending invitations, rather than being open to all members of the bar, the judge has inquired into the propriety of becoming a member. Specifically, the judge is concerned as to whether participation as a member would cause some non-member lawyers to feel that inn members have different access to the judge, *i.e.*, create the appearance of partiality.

CONCLUSION

A family court judge may participate as a member of the American Inns of Court.

OPINION

The Code of Judicial Conduct specifically provides, "a judge may speak, write, lecture, teach and participate in other extrajudicial activities concerning the law, the legal system, the administration of justice." S.C.A.C.R. 501, Canon 4(B). As an "organization dedicated to the

improvement of the law," the Code encourages judicial participation in organizations like the inns of court. *Id.*, cmt. Since the Code expressly permits and encourages such associations, this opinion does not pose the difficult problems implicated by a judge's associations with nonlegal, avocational groups.

The inns of court is a group whose activities are dedicated to the law, the legal system and the administration of justice. As such, a judge's participation in the group's activities, per se, is not unethical.

With regard to whether the judge's participation could give other attorneys a perception that other Inns of Court members would have more, presumably preferred, access to judge members, this Committee finds that such perception would be unfounded and certainly would not serve as a bar to membership in an inn of court. As noted in the facts presented, historically judges have been members in the American Inns of Court and there are already several South Carolina chapters which include judges as members. There does not appear to be an allegation of preferential treatment of inn members or disqualification of judges in the areas where these other South Carolina chapters exist. In addition, other states have clearly allowed judges to be members of inns of court, as long as the judge abides by the other judicial canons regarding fundraising and/or recruitment of members. *See, e.g.*, *Serving as Member and Officer of Inn of Court; Involvement in Fundraising and Recruitment*, (Mass. Sup. Jud. Ct. Comm. Jud Eth. 2005) 2005 WL 6734491, at *2. *See also*, *Alabama Judicial Ethics Opinion 95-579*, 1995 WL 17956160, at *1 (allowing judge to use surplus campaign funds to pay special membership dues to the Alabama State Bar and to pay membership dues to the local chapter of the American Inn of Court); *Florida Judicial Ethics Opinion 2010-32*, 2010 WL 7809088, at *1 (allowing a judicial member of an inn of court to participate in a program or skit performed by

the chapter where the “best skit” award includes a monetary contribution to a charity of the group's choice).

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S/ Usha Jefferies Bridges
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February 9, 2018.