

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 5 - 2017

RE: Propriety of a full-time magistrate's participation in a fund-raiser for a non-profit organization for which the judge's spouse is executive director.

FACTS

A full-time magistrate is married to the executive director of a non-profit organization. The spouse is holding a fund-raiser and has asked the judge to participate as a volunteer in the dunk tank. The advertising materials for the fund-raiser would not reference the judge's status as a magistrate, but instead, would have "dunk the spouse of the director" language. The judge would not be required to solicit any funds for the organization.

CONCLUSION

A full-time magistrate judge may participate as a volunteer in a dunk tank for a non-profit organization run by the judge's spouse in these circumstances.

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. The factual situation presented here is similar to that of Opinion No. 11-2013. Thus, as long as the magistrate complies with the Canon prohibiting personal solicitation of funds, and does not use the prestige of judicial office in the advertising of the fund-raiser, the judge may participate in the fund-raiser as a volunteer in the dunk tank.

S/ A. Camden Lewis

A. CAMDEN LEWIS, CHAIRMAN

S/ Jocelyn B. Cate

JOCELYN B. CATE

April 13, 2017.