

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 5 - 2022- AMENDED

RE: University raising money for the creation of a Center for Justice and Society to be named after a sitting South Carolina Supreme Court Justice.

FACTS

A University intends to create a Center for Justice and Society. The center would encompass academic programs including Political Science, Criminal Justice, Pre-Law, and Sociology. Center programs would include mock trials, crime analysis, and a child protection training center. The University intends to name the center after a sitting South Carolina Supreme Court Justice. There would be a firewall between any fundraising and the justice personally. However, the University would like to contact county bar associations for contributions. An opinion has been requested as to the propriety of this approach.

CONCLUSION

A University may name a Center for Justice and Society after a sitting Supreme Court Judge and may contact county bar associations for contributions.

OPINION

Canon 4 of the Code of Judicial Conduct provides that a judge may participate in civic and charitable activities. However, there are limitations. Canon 4C(3)(b) provides that a judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization.

In Opinion 13-1991, we addressed a college's desire to honor a judge¹ by setting up a scholarship in his name. A committee would solicit funds for that scholarship in the judge's name.

We found that:

It is an honor for a judge to have a college establish a scholarship in the judge's name. This honor is appropriate if the judge does not have any part in soliciting the funds nor in any way lends the use of his office for this purpose. A judge should avoid the appearance of impropriety and may participate in civic and charitable activities that do not reflect adversely on his impartiality. Therefore, it is recommended that the judge should not have access to or knowledge of the donors and should not influence the decision as to who receives the scholarship.

Id. In addition, for years, lawyers and county bar associations have participated in fundraising in order to fund judicial portraits, which is similar to the issue presented here. While such contributions have not been addressed by this Committee, the South Carolina Bar Ethics Advisory Committee has opined that lawyers may ethically contribute to a portrait fund for a sitting judge, provided all contributions are anonymous. S.C. Bar Op. 84-10.

We believe the logic of Opinion 13-1991 (and S.C. Bar Op. 84-10) applies in this case. It is an honor for the justice that the University wants to establish this Center in his/her name. It is clear from the facts presented that the justice will have no involvement in fundraising. Thus, it is permissible for the University to solicit county bar associations for such donations, in effect, in the justice's name. We also advise that, to prevent any adverse impact on impartiality, the justice should not have access to or knowledge of the donors.

¹ Although that opinion did not so state, it appears that the judge was a sitting judge.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock
KEITH M. BABCOCK

March 28, 2022