

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 10 - 2021

RE: Propriety of a full-time magistrate judge serving on the Board of Directors for the Imperial Council Endowment Fund for the Imperial Council of Shriners.

FACTS

The Shriners organization is a fraternity open to men from all walks of life. The Shriners supports children's hospitals across the country. A full-time magistrate court judge has been asked to serve on the Board of Directors for the Imperial Council Endowment Fund (ICEF) for the Imperial Council of Shriners (ICS). The purpose of forming the Board is to develop a system of control to ensure that the expenditures of the funds conform with the terms of the fund and with internal and IRS audit restrictions. The Board of Directors or the ICS will maintain the ICEF account, into which restricted funds received by the Imperial Council for the ICEF will be placed and invested for the benefit of charitable relief. The Board, or a committee thereof, will be responsible for the management and endowment of the funds. The Board and the Imperial Council of Shriners will accept restricted funds and gifts established by individual donors or other contributors for growing the principal balance of the ICEF or for disbursement by the Board. The disbursement shall be consistent with the core mission of the ICS. The ICS or ICEF shall solicit funds for this restricted endowment.

CONCLUSION

A full time magistrate judge may sit on the Board of Directors for Imperial Council Endowment Fund for the Imperial Council of Shriners, provided that the judge abide by the Canons on fundraising.

OPINION

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, as we noted in Opinion 10-2009, a judge shall not personally participate in the solicitation of funds or other fundraising 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), 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.” In addition, a judge shall not use or permit the use of the prestige of judicial office for fund-raising. Canon 4C(3)(b)(iv). Thus, any promotional materials issued by the ICS or ICEF should not reference the judge’s title.

It appears that service on the Board for ICEF is primarily concerned with safeguarding and managing the funds accepted by the ICS, and disbursing such funds in a manner consistent with the mission of the ICS. As such, service on the Board would be permissible under 4C(3)(b)(i), Rule 501, SCACR. However, the guidelines for service on the Board also state that the “ICS or ICEF shall solicit funds for this restricted endowment.” Pursuant to Canon 4C(3)(b)(i), the inquiring judge should not solicit donations for the ICEF, other than those sought from judges over whom the inquiring judge has no supervisory authority. See, Opinion 10-2009. If fundraising beyond that limited scope is required, the judge should decline to serve on the Board. In addition, as noted above, any promotional materials published by the ICEF or ICS should not reference the judge’s title.

s/ Letitia H. Verdin
LETITIA H. VERDIN, CHAIR

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

June 11, 2021