

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 12 - 2018

RE: Propriety of a full-time municipal judge allowing the judge's residence to be featured in a tour of homes.

FACTS

A full-time municipal judge seeks an opinion regarding the use of the judge's residence in a tour of homes. The local Symphony Guild presents a Holiday Tour of Homes each December as a fund raiser. The Guild expects to sell several hundred tickets (the judge would not have to sell any tickets herself or himself). The judge and the judge's spouse reside in a condominium in the revitalized downtown area and the Guild has asked to showcase their residential property on the tour. The Guild produces a brochure that showcases the homes on the tour. The judge inquires as to whether the judge may: 1) consent to the use of their home; 2) be in the home during the tour; and 3) consent to the judge's name being listed along with the judge's spouse's name in the brochure.

CONCLUSION

A municipal judge may allow his or her property to be featured in a tour of homes provided that the judge's title is not used in any materials publicizing the event.

OPINION

Canon 4 provides that:

A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

Canon 4A Rule 501, SCACR. Canon 4B states that:

A judge may speak, write, lecture, teach *and participate in other extra-judicial activities* concerning the law, the legal system, the administration of justice *and non-legal subjects*, subject to the requirements of this Code.

Rule 501, SCACR (emphasis added).

While the question presented is a novel one for this Committee, in Opinion 24-1994, we were asked to consider the propriety of a judge being featured in the South Carolina African-American History Calendar produced by Southern Bell that would be distributed free of charge to teachers in South Carolina for classroom use. We determined that the judge being featured would not detract from the dignity of judicial office; reflect adversely on the judge's impartiality; or interfere with the judge's judicial duties. We also noted "[a] judge's participation in a charitable event does not create a relationship between the judge and a corporate sponsor of the charitable event. The creation of the calendar and the ceremony in honor of the calendar are one-time events which further limits the judge's association with the charity and its corporate sponsors." Id. We also found that the judge could attend the ceremony to unveil portraits used for the calendar.

We find Opinion 24-1994 illuminating. Like the calendar featuring the judge, the tour of homes is a one-time event featuring the judge's home. Thus, the judge's association with the Guild, or the charities it supports, is limited. Furthermore, participation in the tour of homes would not detract from the dignity of judicial office; reflect adversely on the judge's impartiality; or interfere with the judge's judicial duties. Thus, the judge may allow the judge's home to be featured and may be present in the home during the tour.

With regard to the use of the judge's name in the brochure publicizing the tour of homes, the judge may allow his or her name to be used. However, there should be no reference to the

judge's title or position on the judicial bench in any of the materials advertising or publicizing the event. See Canon 2B ("A judge should not lend the prestige of judicial office to advance the private interests of the judge or others....")

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

S/ Usha Jefferies Bridges  
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S/ Keith M. Babcock  
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September 20, 2018.