

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 14 - 2021

RE: The propriety of a full-time magistrate judge serving as the South Atlantic Regional Conference Sponsorship Committee Chairperson for a sorority.

FACTS

A full-time magistrate judge inquires into the propriety of serving as the South Atlantic Regional Conference Sponsorship Committee Chairperson for a sorority. The organization is a fraternal/charitable 501(c) non-profit service organization dedicated to providing both service and financial assistance for issues related to education, health, families, human rights, poverty, and economic development. As chairperson, the judge would work with other leaders in Florida, Georgia, and South Carolina. The position consists of providing leadership to the regional team, identifying corporate sponsors and partners, participating in event marketing, and overseeing the solicitation of potential regional donors. The solicitation is done by sending letters on the organization's letterhead and making phone calls. The judge may be required to assist committee members with grants and closing key sponsorship packages, and the judge's name would appear on conference letterhead as a member of the leadership task force.

CONCLUSION

The judge should not serve as the Sponsorship Committee Chairperson because it requires solicitation of funds.

OPINION

A judge, as an officer, director, trustee, non-legal advisor, or member, may 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. A judge 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), Rule 501, SCACR. The Commentary states, "[s]olicitation of funds for an organization and solicitation of memberships similarly involve the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control." Even if the judge does not use the judicial title (i.e., the "prestige of office"), there is still a danger that the person being solicited will feel obligated to the judge.

Here, the position will involve solicitation on the letterhead on which the judge's name could be included, as well as the judge's involvement in "closing sponsorship packages." This solicitation of funds would violate Canon 4(C)(3)(i). Thus, the judge should not accept the position of Sponsorship Committee Chairperson.

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

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

November 3, 2021