

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

July 23, 1993

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether it is ethically appropriate for a juvenile court judge to speak on the need for a "Big Brothers/Big Sisters" organization in the county when a portion of the same program will involve the direct solicitation of financial contributions.

Canon 5B(2), Alabama Canons of Judicial Ethics provides:

"It is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution."

This Canon is directory, not mandatory, and does not contain a provision that a judge should not "be a speaker or the guest of honor at an organization's fund raising events." See Model Canons of Judicial Ethics, Canon 5B(2).

Therefore, it is the opinion of this Commission that a judge may speak on behalf of the need for a "Big Brothers/Big Sisters" organization in the county even though a portion of the same program will involve the direct solicitation by other speakers of financial contributions for that organization. Merely speaking on behalf of the need for the organization does not violate the provisions of Canon 5B(2) that a judge should not become personally involved in the direct solicitation of funds and should not permit the use of the prestige of his office for that purpose. See Advisory Opinions 91-435, 90-395, 88-329, 88-324, 86-262, and 83-174. A judge should not appear in his judicial robe in making such a presentation.

This opinion has been considered by the entire Commission and is the opinion of the Judicial Inquiry Commission.