

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: AUGUST 25, 2000

ADVISORY OPINION 00-760

ACCEPTING AWARD FROM CIVIC OR CHARITABLE ORGANIZATION

ISSUE

May a judge be honored at an annual dinner as the recipient of the Distinguished Eagle Scout Award, and may he be listed as the recipient in the invitation to the dinner that solicits ticket and advertisement purchases? **Answer:** Yes.

FACTS

A judge has recently been informed that the National Eagle Scout Association has granted him the rank and dignity of Distinguished Eagle Scout. This rank is granted by vote of the association to those men who have been Eagle Scouts for twenty-five years or more who have “distinguished themselves in their life work” and “have shared their talents with their communities on a voluntary basis.”

A dinner is held each year for the young men in the area who have achieved the rank of Eagle Scout during that year and for the man who is the recipient of the Distinguished Eagle Scout Award. The Distinguished Eagle Scout Award is presented to an individual “who has by his selfless actions improved the quality of life in his community, state and nation and who has throughout his life exemplified the ideals of Scouting, ‘duty to God, country, and his fellow man.’” One of the past recipients of the award was a retired judge.

Tickets to the dinner and advertisements in the dinner program are sold. The invitation will identify the judge as the recipient of the

Distinguished Eagle Scout Award. It will also identify the entire class of Eagle Scouts who will be honored at the dinner. The donation of a named contributor provides for a member of the Eagle Scout class to attend the dinner. The purchase of an advertisement provides tickets for the purchaser and guests, which tickets may be used by the purchaser to sponsor a member of the class and his Scoutmaster to attend the dinner.

The judge will not be soliciting the sale of tickets or advertisements in any way.

DISCUSSION

The Alabama Canons of Judicial Ethics do not directly address the topic of awards and testimonials. A judge’s civic and charitable activities are regulated by Canon 5B. That canon provides that a “judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties.” In addressing leadership roles in civic and charitable organizations, Canon 5B(2) cautions that “[i]t is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organizations 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.” Canon 2C similarly admonishes that a judge “should not lend the prestige of his office to advance the private interests of others.”

Acceptance of the Distinguished Eagle Scout Award clearly would not reflect adversely on the judge’s impartiality or interfere with the performance of his judicial duties, nor would

it lend the prestige of the judicial office to advance the private interests of others. In fact, the Commission has previously advised judges that they could use their name and/or title in public service announcements supporting Girl Scouting. Advisory Opinions 87-290 and 93-496.

The Commission has held that the canons do not proscribe the naming of an academic chair in honor of a living active judge, but that personal participation by the judge in fund raising to endow the chair is prohibited because it would improperly lend the prestige of the office to such fund-raising effort. Advisory Opinion 97-670. The Commission also has recently advised a judge that use of his judicial title for fund raising was not permitted because it would lend the prestige of the judge's office to the solicitation of funds. Advisory Opinion 00-753. Judges are discouraged from participating in fund raising for civic and charitable organizations because of the dangers that the prestige of the judicial office will be used for fund solicitation and that the person solicited will feel obligated to respond favorably to the solicitation. Advisory Opinions 00-747 and 00-753.

In the present situation, the judge will have no personal involvement in the sale of tickets or program advertisements. The moneys that will be solicited by others seem to cover only the cost of the dinner. Certainly, the essential

purpose of the dinner is not fund raising. Since this is an annual award whose honoree this year just happens to be a judge, identifying the judge as the recipient of this year's award cannot be regarded as an attempt to trade on the prestige of the judicial office. Florida Advisory Opinion 83-11. The Commission finds no impropriety in the judge's identity as an honoree being disclosed on the invitation to this dinner.

REFERENCES

Alabama Advisory Opinions 87-290, 93-496, 97-670, 00-747, and 00-753.

Alabama Canons of Judicial Ethics, Canons 2C, 5B, and 5B(2).

Florida Advisory Opinion 83-11.

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; E-mail: jic@alalinc.net.