



## JUDICIAL INVESTIGATION COMMISSION

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July 27, 2000

JIC Advisory Opinion 2000-33

Dear Mr. :

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In that request you stated that you are a candidate for circuit judge and your committee plans to sponsor two events for your campaign. The first event would be a roast for which the committee would sell tickets in advance. Those in attendance would not necessarily be the same persons who purchased the tickets. As you understand your committee's plan the committee would sell tickets to persons who cannot attend and distribute them among those persons who can be in attendance. You will have no knowledge of whom in attendance was the purchaser of a ticket. The second event is a golf tournament. Entry fees will be solicited in advance and again those who participate may or may not be the same persons who have made contributions. You will have no knowledge of those who have made contributions. You expect to be in attendance at both events. Since you are a candidate, you asked whether or not either of these proposed fundraisers would be in violation of the canons of judicial ethics.

To address the inquiry which you have made, the Commission reviewed Canon 5C(2) of the Code of Judicial Conduct. That provision of Canon 5 states in relevant part:

Canon 5. - A judge or judicial candidate shall refrain from inappropriate political activity.

C. Judges and candidates subject to public election.

(2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. The candidate may have, however, establish committees or responsible persons to conduct campaigns for the

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candidate through media advertisements, brochures, mailings, candidate forums, and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

The commentary to that section of Canon 5 states that "though not prohibited, campaign contributions of which a judge has knowledge, made by lawyers or others who appear before the judge, may be relevant to disqualification under Section 3E."

After reviewing the relevant portion of Canon 5, it is the opinion of the Commission that the events which you have described in your correspondence would not violate the quoted section of Canon 5C(2). It is clear from your letter that your committee will be handling the sale of any tickets or entry fees without your knowledge or input. It is further clear that you may not even know who has made contributions when you appear at the two functions you have described. The Commission does not see any violation of the canon based upon the events as you have described them in your correspondence. It is hoped that this fully addresses the issue which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Cookman", written in a cursive style.

Donald H. Cookman, Vice-Chairman  
Judicial Investigation Commission

CRG:nb