



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
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February 24, 2020

Re: JIC Advisory Opinion 2020-08.

Dear Magistrate :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario is as follows:

Last year, you were appointed as Magistrate by the Chief Circuit Judge. You are running for Magistrate in the May 2020 election. A local elementary school is holding a 5k fundraiser to raise money for a playground. The school has asked you to donate \$250.00 and in exchange they would put "Magistrate " on the race t-shirts handed out to all participants. You want to know if it is permissible for your name to appear on the shirt.

To address your question, the Commission has reviewed Rules 1.2 and 3.1(C) of the Code of Judicial Conduct which state:

Rule 1.2 – Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 3.7 – Participation in . . . Charitable . . . Organizations and Activities

- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by . . . or on behalf of educational, religious, charitable, fraternal or civic organizations not conduct for profit including but not limited to the following activities:

- (2) soliciting contributions for such organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority.

Comment [1] to Rule 1.2 states that "[p]ublic confidence in the judiciary is eroded . . . by conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge." Comment [2] states that a judge "should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code." Comment [3] notes that "[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary."

Based upon the foregoing, the Commission is of the opinion that your name cannot appear on the shirts. Such action might cause members of the public, however wrong they may be, to misconstrue that you are actually soliciting donations on behalf of the school. It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,



Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat