



JUDICIAL STANDARDS COMMISSION  
STATE OF NORTH CAROLINA

**FORMAL ADVISORY OPINION: 2013-02**

November 8, 2013

**QUESTION:**

May a judge participate in fund-raising activities on behalf of civic, charitable and other organizations as described in Canons 4 and 5 of the Code of Judicial Conduct, if the activities do not involve the direct solicitation of funds, goods, volunteer service, membership, etc.?

**COMMISSION CONCLUSION:**

While a judge may not solicit contributions of funds, goods, services, etc. on behalf of the types of organizations identified in Canons 4 and 5 of the Code of Judicial Conduct, nor solicit dues paying memberships for such entities, a judge may participate in activities related to fund-raising which do not utilize the esteem of the judge's office to further the interests of the entity, present an element of coercion, interfere with the performance of the judge's judicial duties, nor reflect adversely upon the judge's independence, integrity, and impartiality.

**DISCUSSION:**

The Commission recognized the tension which exists where members of a publicly elected judiciary, who hold leadership roles in their local communities, and take a personal interest in numerous civic and charitable activities, are encouraged to engage in civic and charitable activities, including service as officers and directors of provider organizations, but such activities and service are restricted in that a judge "may not actively assist such an organization in raising funds" as found in Canons 4C and 5B(2) of the Code, and "should not lend the prestige of the judge's office to advance the private interest of others" as prescribed in Canon 2B of the Code. As in all matters, a judge's participation in civic and charitable activity may not call into question the independence, integrity and impartiality of the judge or the judiciary as a whole, in compliance with Canons 1 and 2A of the Code.

The Commission reasoned that a judge may participate in charitable and civic fund-raising activity which does not involve any solicitation of funds, goods, volunteer service, membership, etc., provided:

- The judge's participation is not publicized and his or her identity is not noted;
- The judge's participation is not likely to encourage others to participate (i.e. in an attempt to curry favor with the judge), nor reasonably be perceived as coercive by others (i.e. participation for fear of offending the judge);
- The judge's participation does not cast reasonable doubt on his or her ability to perform judicial duties impartially.

In all things, a judge should seek to avoid impropriety and should consider how his or her actions will be reasonably perceived by others. Participation in charitable and fund-raising activities should be tasteful and observe appropriate community standards.

References:

North Carolina Code of Judicial Conduct

Canon 1

Canon 2A

Canon 2B

Canon 4A

Canon 4C

Canon 5A

Canon 5B