

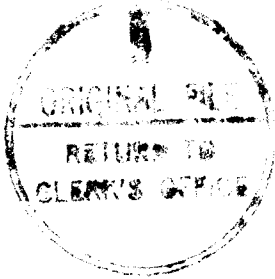


State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256



JUDICIAL ETHICS ADVISORY PANEL

April 25, 1984

Judicial Ethics Opinion JE-1

Question No. 1: Is there a problem of judicial ethics in soliciting funds for the National Judges Education and Research Foundation Inc.?

Answer: Yes.

Question No. 2: Can a district magistrate judge participate in raising funds?

Answer: No.

Question No. 3: Can a district magistrate judge who is an officer of the National Judges Education and Research Foundation Inc. write letters explaining the program of the National Judges Education and Research Foundation Inc., signing as an officer of the organization, not as a district magistrate judge?

Answer: Yes, subject to limitations hereinafter set forth.

Question No. 4: Could a district magistrate judge participate in fund raising outside the State of Kansas as an officer of the organization?

Answer: No.

COMMENTARY:

The subject matter is dealt with in Canon 5 and Commentary B(2) thereon, which reads as follows:

"A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organizations, 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. He should not be a speaker or the guest of honor at an organization's fund raising events, but he may attend such events."

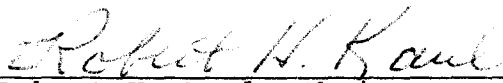
With respect to a judge's activities relating to fund raising for an organization, it is our opinion (1) a judge may not solicit funds for the organization or use or permit the use of the prestige of his office for the purpose of generating donations, such as being a speaker or guest of honor at the organization's fund raising events; and (2) he may not give investment advice to the organization, although he may serve on its board of trustees or directors and may be assigned the responsibility for approving investment decisions.

Perhaps the most difficult aspect of the Canon relates to what kind of conduct, in connection with fund raising activities, should be viewed as using or permitting the use of the prestige of his office to generate donations to the organization.

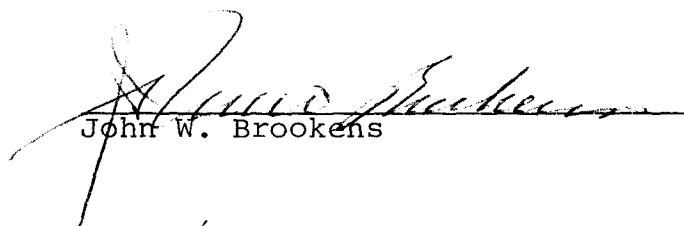
Aside from the prohibition against personally soliciting funds or being a speaker or guest of honor on a fund raising occasion, the prohibition of the use directly or indirectly of the prestige of his office for the purpose of generating donations would clearly indicate

that a judge should not in any overt way participate in support of such fund raising activities, although merely being an officer of the organization or attending its fund raising events is not to be considered as using the prestige of his office for gaining donations for the organization.

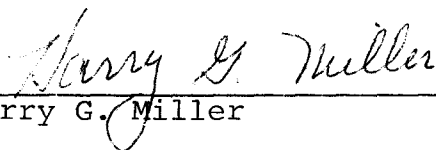
In further specific response to Question No. 3, it is our opinion that a judge may write letters explaining the program of the National Judges Education and Research Foundation Inc., if such letter cannot be construed directly or indirectly as a solicitation for funds.



Robert H. Kaul, Chairman



John W. Brookens



Harry G. Miller