



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

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CJEO Oral Advice Summary No. 2013-003

[Issued September 2, 2013]

**FUNDRAISING AMONG JUDGES FOR A CIVICS EDUCATION PROJECT OF
A NONPROFIT NATIONAL LEGAL ASSOCIATION**

I. Question:

May a judicial officer engage in direct, individual solicitation of money from other judges to fund a civics education project by a nonprofit national legal association?

An appellate justice requested advice as to whether the canons prohibit fundraising among other judicial officers for a civics education project. The appellate justice chairs a civics education committee of a nonprofit national legal association and would like to solicit funds for the committee's civics education project from other members of the committee who are also judicial officers. Members of the committee include judges and justices from other states, federal judges, retired judges from other states, and California judges and justices. The appellate justice would not solicit funds from committee members who are trial judges in the justice's appellate district and whose work the justice may review.

I. Oral Advice Provided:

The appellate justice may engage in direct, individual solicitation of money from other judges to fund the civics education project of a nonprofit association devoted to the improvement of the law, the legal system, and the administration of justice. Although a judicial officer is prohibited from fundraising for a government, civic, or charitable organization, a judicial officer is permitted to “privately solicit funds for such an organization from other judges (excluding court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and temporary judges).” (Cal. Code Jud. Ethics, canon 4C(3)(d)(i); Advisory Com. commentary foll. canon 4C(3)(d).) The rationale for this fundraising exception is that the improper use of the judicial office does not apply to private solicitations among judges. (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007), § 10.45, pp. 559-560.) The appellate justice’s intent not to solicit trial judges within the justice’s appellate district eliminates any ethical concerns about the use of superior judicial office. All of the retired judges on the committee are from other states and do not fall within the retired judge exclusion from the exception in canon 4C(3)(d)(i). The code defines judges as officers of the state judicial system (canon 6A) and retired judges as those serving in the Assigned Judges Program (canon 6B). These definitions would apply to the use of the term “retired judges” in canon 4C(3)(d)(i), which would not preclude the appellate justice from soliciting the out-of-state retired judges on the committee.



This oral advice summary is advisory only (Cal. Rules of Court, rule 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 1(a), (b)). It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of

Court, rule 9.80(i)(3); CJEO rule 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)).