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JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL
ETHICS AND ELECTION PRACTICES

DATE ISSUED: June 7, 1999

OPINION: JE99-003

PROPRIETY OF A JUDGE WORKING ON BEHALF OF HIS CHURCH TO SOLICIT FUNDS FROM THE CONGREGATION AND DISTRIBUTE THOSE FUNDS TO VARIOUS CHARITIES...

Issue

May a judge solicit funds from his church congregation and distribute those funds to various charities?

Answer: No.

Facts

For many years prior to becoming a member of the judiciary, the judge served as Welfare Chairman of his church. In that position, which continues to the present date, he solicits funds from the congregation for specific charities. He is also provided with the sum of approximately \$10,000 from the congregation which he is authorized to distribute to charities. The judge does not use his judicial title in any solicitation letters. As the judge points out, however, the members of the congregation obviously know that he is a judge. The judge would like to know whether he must discontinue the solicitation and disbursement of funds because of his judicial position.

Discussion

The Canons are very specific in their prohibition of fund-raising activities:

A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:

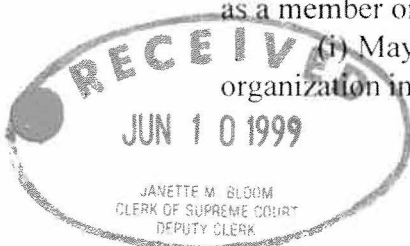
(i) May assist such an organization in planning, fund

raising and may participate in the management and investment of the organization's funds, but shall not personally participate in the solicitation of funds, or other fund raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority;

(iv) Shall not use or permit the use of the prestige of judicial office for fund raising or membership solicitation. (Emphasis added)

Solicitation of funds involves the danger that the person solicited will feel obligated to respond favorably to the solicitor if the solicitor is in a position of influence or control. There is a danger that solicitation phone calls or letters will be considered coercive by the recipient because of the new status of the judge as a public official.

The judge has also asked whether it is appropriate to participate in solicitation letters that go out to raise funds for various projects of the church. The judge may not sign a solicitation letter. However, the Canons provide that a judge may appear on organization letterhead as part of its fund raising or membership solicitation provided the letterhead lists only the judge's name and office or other position in the organization and, if comparable designations are listed for



other persons, the judge's judicial designation.

See also Amended Opinion JE99-001, February 9, 1999.

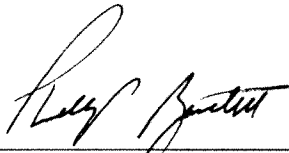
Conclusion

A judge may not personally participate in the solicitation of funds or other fund raising activities for any community organization.

References

Nevada Code of Judicial Conduct: Canons 2A, 4, 4C(3)(b)(i)and(iv),

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.



Phillip W. Bartlett
Committee Chairman