



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**
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CJEO Oral Advice Summary No. 2014-009

[Posted November 24, 2014]

PROHIBITION ON FUNDRAISING WHILE A SUBORDINATE JUDICIAL OFFICER

I. Question:

Does the California Code of Judicial Ethics prohibit a subordinate judicial officer in the state judicial branch from engaging in fundraising activities as the Chief Justice of her sovereign nation's tribal court and judicial system?¹

II. Oral Advice Provided:

The California Code of Judicial Ethics prohibits a state judicial officer from personally engaging in the solicitation of funds or other fundraising activities on behalf of a governmental, civic, or charitable organization (Cal. Code Jud. Ethics, canon 4C(3)(d)(i).) The purpose of the canon is to prevent "... *the danger that the person*

¹ Limited identifying information is included in this oral advice summary because confidentiality has been waived by the requesting party (Cal. Rules of Court, rule 9.80(h)(3); CJEO rules, rule 5(e)).

solicited will feel obligated to respond favorably if the solicitor is in a position of influence or control.” (Advisory Com. Com., foll. canon 4C(3)(d)(i).) The canon is not limited in application or purpose to fundraising on behalf of charitable organizations or to activities that advance a private interest. The canon does not contain an exception for worthwhile causes or extraordinary needs. (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) § 10.42, p. 556.)

The requesting state court commissioner analogizes her fundraising activities on behalf of her tribal court to the California Chief Justice and Judicial Council’s budget management activities before the executive and legislative branches, which are authorized by state law and are not solicitation of funds that are prohibited by the Code of Judicial Ethics. (Cal. Rules of Court, rule 10.101(b)(3), (c)(1)(B).) The requesting state court commissioner’s direct solicitation of donations from groups and individuals is dissimilar from these state law authorized administrative duties and is fundraising that is prohibited by canon 4C(3)(d)(i).

The Code of Judicial Ethics does not prohibit the Chief Justice of a sovereign tribal nation from performing judicial responsibilities authorized by tribal law, including personal solicitation of funds necessary for her tribal court. The Code does, however, prohibit a state court commissioner from fundraising while holding state judicial office. The requesting commissioner is in a position of influence, *as a state court judicial officer*, over those she solicits for funds on behalf of her tribal court, even if she does so without the use of state court judicial title. (Rothman, *supra*, § 10.44, p. 559) The requesting commissioner is prohibited from fundraising for her tribal court and tribal justice system while she is employed as a state court subordinate judicial officer.



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. (CJEOP) 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 rules 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)).