



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

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CJEO Oral Advice Summary No. 2015-011

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USE OF JUDICIAL TITLE ON A SCHOLARSHIP FUND

I. Question:

May a legal educational institution name a scholarship after a sitting judicial officer and raise donations to fund the scholarship in the judge's name?

II. Oral Advice Provided:

A judicial officer's name and title may not be used by an alumni association of the judge's law school alma mater on a scholarship named in honor of the judge if the scholarship will be funded by donations solicited using the judge's name.

Canon 2B(2) broadly prohibits lending the prestige of judicial office or using the judicial title *in any manner* to advance the interests of others. (Cal. Code Jud. Ethics, canon 2b(2).)¹ Canon 4C(d)(i) prohibits solicitation of funds *or other fundraising activities*.

¹ All further references to canons are to the California Code of Judicial Ethics.

Read together, these canons preclude a judge from allowing his or her name to be used in any manner that involves a fundraising activity for the direct benefit of another, including the use of judicial title in scholarship fundraising activities. (California Judges Association (CJA) Judicial Ethics Update (1983) I.A. [a judge is prohibited from allowing his or her name to appear in the letterhead of a scholarship fund committee when the letterhead is to be used in soliciting members of the bar and corporations to donate money to the scholarship fund]; CJA Judicial Ethics Update (1982) I.C. [prohibiting the same use of judicial title on the letterhead of a scholarship fund committee honoring a deceased judge when the letter is to be used in soliciting members of the bar and corporations to donate money to the fund].)

While the canons contain several exceptions for activities concerning the law, the legal system, and the administration of justice, there is no applicable exception for fundraising activities using the judicial title for the direct benefit of a scholarship fund or recipient. For example, canon 4B authorizes judges to participate in educational activities concerning legal matters, but those activities are still subject to the requirements of the code, including the canons prohibiting fundraising. As the advisory committee commentary to canon 4B explains, this exception applies narrowly to legal educational materials where the use of judicial title is necessary to identify a judge as an author or speaker. (Advisory Com. commentary, Cal. Code Jud. Ethics, foll. canon 4B.)

Similarly, canon 4C(d)(iv) prohibits the use of judicial prestige for fundraising, but permits a judge to be a speaker, guest of honor, or recipient of an award by a public or charitable service so long as the judge does not personally solicit funds. While naming a scholarship after a judge is indeed an honor, the solicitation of donations to fund the scholarship will necessarily use the judge's name in a manner that amounts to personal solicitation. (CJA Ethics Update (2009) IV.C.1. [a women lawyers association may establish and exclusively fund a scholarship in the judge's name with no other contributions to the scholarship fund to be sought or accepted].)

In the event that the honor is bestowed without the judge's prior authorization, the judge must take reasonable steps to correct the impermissible use of judicial title for fundraising activities. (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) § 10.51, p. 562 [a judge must make reasonable efforts to ensure against unauthorized uses of judicial title for fundraising, including appropriate notification and, if necessary, a request that clarification be sent to any recipients of unauthorized solicitations].)



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