

SYLLABUS

A judge may participate in civic and charitable activities which meet the following limitations and/or criteria:

- 1. The activities may not detract from the dignity of the judicial office.**
- 2. The activities may not interfere with the performance of judicial duties.**
- 3. The activities may not reflect adversely on the judge's impartiality.**
- 4. The activities may not give the appearance of impropriety.**
- 5. The judge may serve as an officer, director, trustee or nonlegal advisor of a bona fide educational, religious, fraternal or civic/charitable organization only if (a) it is unlikely that the organization will be engaged in proceedings that would ordinarily come before the judge, (b) it is unlikely the organization will become engaged in adversary proceedings in any court, (c) the judge does not personally solicit funds, and (d) the prestige of the judicial office is not used for solicitation of funds.**

References: MCJC 2A, 2C, 5A, 5B, 5C(4)(c); CI-580, CI-914, CI-1070.

TEXT

A judge is frequently asked to participate in a variety of charitable activities and seeks guidance on the acceptable parameters of participation. Specifically, the judge asks about the following situations:

- a. Serving as trustee or director of charitable/civic organizations and listing the judge's name and office on the letterhead of the organization.
- b. On behalf of an organization, sending letters over the judge's signature or designating the judge by judicial title, seeking the addressee's participation on the organization's committees or seeking funds.
- c. Hosting a progressive dinner where proceeds go to the organization but the judge selects and invites the guests.
- d. Participating in a walk-a-thon and allowing others to solicit sponsorship of the judge's walk.
- e. Discussing programs and needs of the civic/charitable organization at a media broadcast, or answering telethon phones where the contributors call in donations.
- f. Being an honoree at or sponsor for a testimonial dinner for a civic/charitable organization, all contributions going to the civic/charitable cause.

The Michigan Code of Judicial Conduct provides the following guidelines for participation in charitable and civic activities:

1. The activities may not detract from the dignity of the judicial office (MCJC 5A).
2. The activities may not interfere with the performance of judicial duties (MCJC 5A).
3. The activities may not reflect adversely on the judge's impartiality (MCJC 5B).

4. The activities may not give the appearance of impropriety (MCJC 2A).
5. The judge may serve as an officer, director, trustee or nonlegal advisor of a bona fide educational, religious, fraternal or civic/charitable organization (MCJC 5B) except:

"(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

"(2) A judge should not individually solicit funds for any educational, religious, charitable, fraternal or civic organization, 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. A judge may, however, join a general appeal on behalf of an educational, religious, charitable, or fraternal organization, or speak on behalf of such organization."

A judge may not personally solicit funds for an educational, religious, fraternal or civic/charitable organization or cause. Speeches, broadcasts, or other communications where the judge asks others to contribute would therefore be improper. This would apply whether or not the judge is identified by judicial title.

A judge may be a member of an educational, religious, fraternal or civic/charitable, fund-raising committee as long as the judge does not individually solicit money, CI-641. MCJC 5B permits a judge to serve as director or trustee of charitable or civic organizations. It follows that a judge may be identified by name and judicial office on a letterhead, in circulated literature or in any other communications disseminated by the organization of which the judge is a member. There is no prohibition against the organization circulating fund-raising letters on such letterhead, provided the judge is not the sole signator of the letter, CI-641.

MCJC 5B(2) does allow a judge's participation in appeals on behalf of educational, religious, fraternal or civic/charitable organizations. Thus, if a board or committee sends a mailing to a variety of people who are known to support the organization, the presence of the judge's name on that letterhead or as one of several signators would not be improper, CI-641.

MCJC 5A allows a judge generally to write, lecture, teach, speak and consult on nonlegal subjects, appear before public nonlegal bodies and engage in the arts, sports or other social and recreational activities, as long as the guidelines are not violated. Therefore a judge is allowed to participate in a walk-a-thon, softball game, etc., or other educational, religious, fraternal or civic/charitable causes as long as the judge does not personally solicit contributions, does not individually solicit for backers or sponsors of other participants, and does not allow others to use the prestige of the judge's office to coerce solicitations on judge's behalf.

A judge may participate and be listed in promotional materials as a participant in an educational, religious, fraternal, or civic/charitable activities, as long as the participation does not involve the judge individually soliciting funds. A judge may host a telethon, for example, where a number of people phone in contributions in support of the organization or cause, but the judge should not act as the auctioneer, CI-641.

A judge may attend a testimonial dinner in the judge's honor held by a charitable or civic organization where the proceeds of the dinner are allocated to a charitable or civic purpose, JI-8; MCJC 5B, 5C(4)(a). A judge may regularly participate in dinners held by educational, religious or fraternal organizations.

A judge should not participate in membership solicitation if doing so could be perceived as using the prestige of the judicial office to coerce participation. A judge is permitted to solicit membership in an educational, religious, fraternal or civic-charitable organization as long as the membership solicitation is not included in the same letter as a solicitation of funds.

JUDGES AND FUND-RAISING SUMMARY OF ETHICS OPINIONS

I. Charitable fund-raising by judge

- a. **JI-33** A judge may not personally solicit funds on behalf of any charitable organization. An organization of judges may retain a non-judge executive director to solicit funds for the organization's charitable and educational activities.
- b. **JI-48** A sentencing judge may not give offenders the option of performing a designated number of hours of community service work or making a monetary contribution to a charity designated by the judge.

II. Door to door

- a. **JI-3** A judge may not participate by going "door to door" or "on the street" as part of the sale of items, products or gaining contributions, where the primary purpose is to solicit funds for charitable or philanthropic organizations.

III. Easter Seals TV Show

- a. **A/O 22** Because these activities do not involve personal solicitations by the judge, the fund-raising is not prohibited by MCJC 5B(2). Solicitation by means of television and radio appearances in this set of circumstances is likewise impersonal and does not draw attention to an individual judge or involve the use of power and prestige of judicial office to persuade others to contribute to particular enterprises, as forbidden by MCJC 5B.

IV. Fund-raising Without Personal Solicitation

- a. **A/O 54** Although MCJC 5B(2) might be read to prohibit a broad range of participation of fund-raising events for charitable organizations, the Commission feels that such conduct is not only laudable but that it should be encouraged to the extent it is not clearly prohibited by the Code of Judicial Conduct. Thus absent person-to-person solicitation of funds, judicial fundraising for bona fide charitable organizations is permitted.

V. Host/hostess at Fund-raising Event / Invitations Showing Judge's Name and Office

- a. **A/O 29** Although MCJC 5B allows participation in such activities, it prohibits individual solicitation. Participation is permitted as long as the judge does not personally solicit or impliedly allow others to solicit in the judge's name.

- b. **A/O 29** Participation is permitted under MCJC 5B, and the judge's name may appear on an invitation preceded by reference to the judicial office.

VI. Judicial Participation Prohibited

- a. **JI-1** A judicial candidate campaign committee may solicit a maximum of \$100 per lawyer during the fund-raising period prior to the primary election up until, and including, general election day.
- b. **JI-3** A judge may not participate by going "door to door" or "on the street" as part of the sale of items, products or gaining contributions, where the primary purpose is to solicit funds for charitable or philanthropic organizations.
- c. **JI-33** A judge may not personally solicit funds on behalf of any charitable organization. An organization of judges may retain a non-judge executive director to solicit funds for the organization's charitable and educational activities.
- d. **JI-49** If the purpose of the event is not fund-raising, a group of judges may hold a testimonial dinner in honor of a nonjudge, invite lawyers and judges to the event, and assess each attendee a pro rata share of the actual costs of the event. If the purpose of the event is fund-raising, a group of judges holding a testimonial dinner may solicit funds from attendees only if a non-judge handles the solicitation and the funds, and only if the proceeds are allocated to a bona fide educational, religious, charitable, fraternal or civic organization.
- e. **JI-54** A bar association may solicit cash donations from lawyers to sponsor judge players in a softball event organized by the bar association.
- f. **A/O 22** Because these activities do not involve personal solicitations by the judge, the fund-raising is not prohibited by MCJC 5B(2). Solicitation by means of television and radio appearances in this set of circumstances is likewise impersonal and does not draw attention to an individual judge or involve the use of power and prestige of judicial office to persuade others to contribute to particular enterprises, as forbidden by MCJC 5B.

VII. Letterhead of Non-profit

- a. **A/O 102** MCJC 5B(2) permits placement of a judge's name and title on Foundation letterhead. This subsection permits a judge to be listed as a trustee on the letterhead of the organization.

VIII. NAACP Radiothon Message

- a. **JI-87** A judge may participate in a broad range of fundraising activities on behalf of bona fide charitable/civic organizations, but only to the extent that the fund raising activities do not involve direct, individual solicitation on the part of the judge. Further, such activities may not use the judge's name or position as a judge to encourage, invite, solicit or otherwise engage in fund raising activities.

IX. Participating in "Lockup for Charity"

- a. **JI-125** A judge may not participate in a fundraiser commonly referred to as "Jail and Bail", "The Great American Lockup" or a "Lockup for Charity", where the primary involvement of the judge is to set an amount of money that constitutes a target amount for an individual to pay or try to raise as "bail".

Where the purpose of a judge's involvement is to determine the amount of money to be paid to a charitable organization by donors, such involvement constitutes a direct solicitation for the charity and is not permitted.

X. Separate Letter from Judge Accompanying Solicitation Letter

- a. **A/O 101** (1) The listing of a judge as a "supporter" on letterhead used by a civic organization to solicit funds from attorneys violates MCJC 5B(2). That Canon prohibits a judge from individually soliciting funds for any educational, religious, charitable, fraternal or civic organization or to use or permit use of the prestige of judicial office for that purpose. (2) MCJC 5B(2) also prohibits a judge from attaching a personal letter of support to a solicitation by such an organization. Such action might appear to use the power and prestige of judicial office to persuade others to contribute to the organization.

XI. Signature of Solicitation Letter

- a. **JI-1** A judicial candidate campaign committee may solicit a maximum of \$100 per lawyer during the fund-raising period prior to the primary election or nominating convention up until, and including, general election day.
- b. **A/O 83**
 - (1) MCJC 5B(2) prohibits such solicitations. By a judge signing such a letter, it may appear that the judge is using the prestige of judicial office for the solicitation, or that prospective members may ingratiate themselves with the judge by joining.
 - (2) Throughout the Code of Judicial Conduct, an attempt is made to prevent any type of solicitation which may give an

appearance that the judge is using judicial office to pressure or provide an opportunity for those being solicited to ingratiate themselves with the judge. By signing such a letter, an improper appearance could clearly arise. Such activity should therefore be avoided. (3) MCJC 5B(2) permits a judge to serve as an officer, director or trustee of such an organization. However, the "appeal" must be general in nature so that the judge and the judicial office are removed from the focus of the endorsement. This may be accomplished by ensuring that any statements made by the judge contain no reference to the judicial office.

XII. Solicitation of Other Judges

- a. **A/O 61** MCJC 5B(2) does not preclude a judge from soliciting charitable contributions from fellow judges since any danger that the prestige of the judicial office is being used for this purpose is alleviated.

XIII. Telephone Operator

- a. **A/O 82** MCJC 5B distinguishes between individual and collective solicitation. A judge's participation in charitable fund-raising is proper when it is part of a general appeal and improper when the judge individually solicits funds or permits the use of the prestige of judicial office to solicit funds. As long as the judge does not make any actual solicitation of funds and is limited to answering the telephone and recording the amount of pledges, and occasionally, identifying donors during the broadcast, participation is permitted.

XIV. Board Membership

- a. **JI-42** A part-time probate judge may serve as an officer, director, or trustee of a civic or charitable organization provided the organization is not likely to engage in litigation in the part-time probate judge's court, or be regularly engaged in adversary proceedings in any court; and, provided further, does not individually solicit funds for the organization.
- b. **A/O 58** MCJC 5B does not prohibit a judge from serving on the board of the nonprofit organization as long as the activity does not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties.
- c. **JI-22** A judge may not serve as a member of the board of directors of a charitable, nonprofit organization which is under the auspices of a political party.

XV. Cancer Society

- a. **A/O 69** Service on the Board of this purpose would violate MCJC 5B(2), and, therefore, is impermissible. The personal solicitation of community leaders to participate in the fund-raising event gives the appearance of using the power and prestige of the judge's office to obtain their cooperation. Likewise, the solicitation of other judges to participants individually solicit funds for the charitable organization. A judge may not solicit other judges to participate in conduct violative of the Code of Judicial Conduct.
- b. **A/O 70** A judge may serve as president of the organization provided that (a) the judge does not individually solicit funds for the organization, and (b) the judge does not use or permit the use of the prestige of the judge's office for purposes of fund-raising. MCJC 5B(2).

XVI. Judge Attending Political Party Fundraiser

- a. **Jl-115** A judge may not attend a testimonial dinner sponsored by a political party where the price of admission exceeds the reasonable cost of attendance. It is unethical for a judge to use or permit the use of the prestige of judicial office to raise money for a political party.

XXVII. *Pro Bono* Cases

- a. **J-7** A sitting judge may engage in activities designed to promote and encourage attorneys to provide pro bono legal services. A sitting judge should not directly solicit individual attorneys to provide pro bono services to specific persons.

XXVIII. Fashion Show Modeling

- a. **Jl-71** A judge may participate as a model in a fashion show, the proceeds of which will be allocated to charitable purposes, provided that the judge's participation does not detract from the dignity of the judicial office or interfere with the judge's impartiality, and the judge does not solicit funds.

XXX. Prestige of Office

- a. **A/O 101** (1) The listing of a judge as a "supporter" on letterhead used by a civic organization to solicit funds from attorneys violates MCJC 5B(2). That Canon prohibits a judge from individually soliciting funds for any educational, religious, charitable, fraternal or civic organization or to use or permit use of the prestige of judicial office for that purpose. (2) MCJC 5B(2) also prohibits a judge from attaching a personal letter of support to a

solicitation by such an organization. Such action might appear to use the power and prestige of judicial office to persuade others to contribute to the organization.

XXXI. Securing Grants for Charity

- a. **A/O 31** Such conduct would be permissible under MCJC 4C.

XXXII. Sentencing Practices Favoring Certain Charities

- a. **JI-48** A sentencing judge may not give offenders the option of performing a designated number of hours of community service work or making a monetary contribution to a charity designated by the judges.
- b. **JI-55** A judge may not impose sentences requiring criminal defendants to pay moneys which are allocated to educational, religious, charitable, fraternal, or civic activities, unless the sentencing practice has been authorized by law.

XXXIII. Testimonial Honoring Judge

- a. **A/O 95** Participation as an honoree at such an event is prohibited by MCJC 5B(2) since the judge's person and office would be used to publicize the affair and encourage public attendance, all to the financial benefit of the sponsoring organization. Judges may only be publicly honored by charitable organizations where the event does not involve fund-raising of a prohibited sort.
- b. **JI-49** If the purpose of the event is not fund-raising, a group of judges may hold a testimonial dinner in honor of a nonjudge, invite lawyers and judges to the event, and assess each attendee a pro rata share of the actual costs of the event. If the purpose of the event is fund-raising, a group of judges holding a testimonial dinner may solicit funds from attendees only if a nonjudge handles the solicitation and the funds, and only if the proceeds are allocated to a bona fide educational, religious, charitable, fraternal or civic organization.

OATH OF OFFICE FILING GUIDELINES FOR JUDGES

Every person elected to the office of judge, before entering upon the duties of office, shall take and subscribe to the oath and file the same with the appropriate office as determined by statute.

Such oath may be taken and subscribed before any justice of the Supreme Court, a judge of any court of record, the secretary of state, the attorney general, any mayor of a city, or the clerk of any court of record.

Below are the statutes that govern how to complete the filing of the Oath of Office.

Supreme Court Justices (MCL 168.400)

- 1) Original Oath of Office must be filed with the Secretary of State, Office of the Great Seal.

Court of Appeals Judges (MCL 168.409h)

- 1) Original Oath of Office must be filed with the Secretary of State, Office of the Great Seal.

Circuit Court Judges (MCL 168.420)

- 1) Original Oath of Office must be filed with the Secretary of State, Office of the Great Seal.
- 2) Copy filed with each county clerk in the judge's circuit.

District Court Judges (MCL 168.467j)

- 1) Original Oath of Office must be filed with the Secretary of State, Office of the Great Seal.
- 2) Copy filed with each county clerk in the judge's district.

Probate Court Judges (MCL 168.440 and 600.812)

- 1) Probate court (not probate district)
 - A) Original Oath of Office must be filed with the county clerk in the judge's probate county.
- 2) Probate district
 - A) Original Oath of Office must be filed with the Secretary of State, Office of the Great Seal.
 - B) Copy filed with each county clerk in the judge's probate district.

Office of the Great Seal
108 South Washington Square, Suite 1
Lansing, MI 48918-1750

(888) SOS-MICH

OATH OF OFFICE

STATE OF MICHIGAN }
County of _____ } SS.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

Signature **

Name Printed or Typed

Sworn to and subscribed before me this _____ day of _____
20____

Signature **

Title *

Name Printed or Typed *

Name of Notary:
County:
Commission
Expires:

* This information is requested if Oath of Office is taken before someone other than a notary public.

** When filing with the Secretary of State, original signatures are required.

OATH OF OFFICE

FINANCIAL CONTACT INFORMATION

General Question and Payroll Contact Information:

TERRY ANTHONY, MICHIGAN SUPREME COURT FINANCE, PAYROLL ADMINISTRATOR	
Phone:	(517) 373-0369
Fax:	(517) 373-4640
E-Mail:	anthonyt@courts.mi.gov

Retirement Contact Information:

OFFICE OF RETIREMENT SERVICES - CUSTOMER SERVICE	
Toll Free Phone:	(800) 381-5111
Local Phone:	(517) 322-5103
Fax:	(517) 322-1166
E-mail:	ORSCustomerService@michigan.gov
Website:	http://www.michigan.gov/ors

Deferred Compensation:

ING	
Toll Free Phone:	(800) 748-6128
Website:	http://stateofmi.csplans.com