



# NEWS RELEASE

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JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

## **Supreme Court Clarifies Ethical Restrictions On Justices at Fundraising Events**

### *New Policies for Code of Judicial Ethics*

San Francisco—The Supreme Court today announced that it unanimously has adopted policies clarifying ethical restrictions on the use of the court's or a justice's name or prestige for the purpose of fundraising or to advance the pecuniary or personal interests of others, in the context of bar association and other events.

The Code of Judicial Ethics, which governs the conduct of judicial officers, permits a judge to participate as an honoree, guest of honor or speaker at events that involve fundraising. Nevertheless, the judge may not participate personally in any fundraising or solicitation for contributions—outside of the context of a judicial election. (Cal. Code Jud. Ethics, canons 4C(3)(d)(i), (iii), & (iv).) Nor may a judge lend the prestige of his or her office to “advance the pecuniary or personal interests of the judge or others.” (Cal. Code Jud. Ethics, canon 2B(2).)

Material circulated by event organizers and sponsors relating to several recent events have raised concerns about the improper use of the court's or a justice's prestige in order to raise funds or solicit contributions. The court accordingly has adopted policies to be distributed to event organizers. The policies detail the limits on the use of the court's or a justice's name or presence in material soliciting funds or contributions.

Several examples are included in the policies such as: tying the name of the court or a justice to a particular level of contribution; inviting contributors to join the court or justice in supporting the organizer's cause; permitting sponsors to publicly announce their sponsorship of an event for the Supreme Court or a justice in a manner that gives the impression that the support was directly provided to the court or justice;

auctioning a dinner with a justice as part of the event; or permitting contributors who make a donation of a stated amount to designate their preference as to which justice they wish to be seated at their table.

The policies are intended to provide event organizers and sponsors with a comprehensive guide to applicable ethical constraints when a justice or the court will be attending an event. The policies also note that promotional material for an event should be provided to the appropriate justice or to the court's Clerk/Administrator for approval before it is printed or circulated.

The full text of the policies follows:

**SUPREME COURT'S POLICIES RELATING  
TO SERVING AS A GUEST SPEAKER OR HONOREE  
AT A FUND-RAISING EVENT**

Although a justice may be a principal speaker at a fund-raising event, and an individual justice or the court as a whole may be a guest of honor at such an event, the Code of Judicial Ethics places specific limitations upon the conduct of judicial officers in this context. These policies are intended to assist those putting on such events by describing the applicable canons, the limitations they impose, and how they apply to the individual judicial officers.

1) A justice may not participate personally in any fund-raising or solicitation for contributions, outside of the context of a judicial election. This applies to a judicial officer appearing as a speaker or honoree at a fund-raising event, no matter how worthy the cause. (Cal. Code Jud. Ethics, canons 4C(3)(d)(i); (iii); & (iv).) For example, if a particular justice or the court is participating:

- the justice's or the court's name may not be used in any written material used to solicit donations, except the justice or the court may be named on the invitation itself or in a written advertisement for the event that includes fund-raising information. For example, an advertisement may name the honoree and also state the event is a fundraiser for a particular purpose; the response card to an invitation may not include language such as the following: "Join Justice . . . in contributing to the cause."
- an auction or solicitation of funds may not be tied to having a particular justice sit at a table in return for the bid or the contribution. Similarly, event organizers should not solicit contributions in exchange for the opportunity to have a private meeting or special contact with a justice, or any other similar activity. An organization may

announce that judges will be seated at purchased tables during the event, as long as there is no suggestion that contribution amounts or similar considerations will play a role in assigning seating;

- no suggestion may be made in written material, or orally prior to or during the event, that the justice or the court endorses contributing to the organization;
- solicitations for levels of contribution may not be tied to the court or to the individual justice, including describing or listing a particular level of contribution as a “Supreme Court” or “Justice Doe” level.

2) The code provides that “a judge shall not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others.” (Ibid., canon 2B(2).) Accordingly, commercial or other sponsors of the organization’s event must be informed **BY THE EVENT ORGANIZER** that they may not use the Supreme Court or an individual justice in any publicity at any time, whether before, contemporaneously with the event, or after it has occurred, nor may they in any way suggest that their sponsorship indicates a special relationship with the court or a justice, or that the justice or court endorses or otherwise favors the sponsor. For example, a company or firm may not publicly announce it has sponsored a “Supreme Court event” simply because it has sponsored a bar association’s annual luncheon for the court. It may, however, include in publicity the circumstance that it is sponsoring an event being put on by a bar association or other organization at which the court or a justice will be honored or at which a justice will be speaking. The sponsor also may be named and identified as such in advertising or information provided by the organization putting on the event.

3) Promotional material for the event should be provided to the appropriate justice or to the Clerk/Administrator of the court for approval before it is printed and circulated.

4) If you have any questions, please call or email Frederick K. Ohlrich, Clerk/Administrator of the Supreme Court at (415) 865-7015.

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