

May 5, 2004

Honorable Ralph Wilson, Jr.
5th Division Circuit Court
PO Box 506
Osceola, AR 72370

RE: Advisory Opinion #2004-03

Dear Judge Wilson:

In your capacity as circuit judge you advised this committee that you wish to personally solicit funds in the form of pledges from fellow members of Kiwanis who reside outside the state of Arkansas and who are not attorneys. You asked for our opinion as to whether this would violate the Arkansas Code of Judicial Conduct.

You are correct in assuming your proposed conduct would fall under Canon 4C(3)(b). As you noted in your request judges are allowed serve as officers, directors, or trustees of charitable organizations. However, the Canons are clear that a judge “..shall not personally participate in the solicitation of funds or other fund raising activities...”. The Commentary points out that “A judge must not engage in direct, individual solicitation of funds...”. The fact that the person from whom you would be soliciting funds is not an attorney and lives outside the state of Arkansas is of no consequence. The prohibition is clear and no exceptions are provided for as involved in your situation.

Sincerely

David B. Bogard
For the Committee