

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 2008-11

**Date of Issue:** May 14, 2008

■ Published Opinion    □ Unpublished Opinion    □ Unpublished Letter of Advice

Judge May Serve as President of Parent Teacher Student Association

**Issue:** May a judge serve as the President of a Parent Teacher Student Association (PTSA)?

**Answer:** Yes, subject to the qualifications set forth below.

**Facts:** The requesting judge's children attend a school for which the judge desires to serve as President of the PTSA. The PTSA is separate and distinct from the school system of the jurisdiction in which the judge's court is located. The PTSA is rarely, if ever, engaged in litigation that would come before the court on which the judge sits. As President of the PTSA, the judge's name, without the judicial title, would appear on the organization's letterhead. The PTSA, as a charitable organization, engages in minimal fund-raising activities. The President of the PTSA is generally an authorized signer on the bank account. That financial duty, however, could be delegated to other members of the organization who equally share responsibilities with the president of the PTSA.

**Discussion:** Canon 4A of the Code of Judicial Conduct provides that a judge shall conduct all extra-judicial activities so that they do not cause a substantial question as to the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties. Canon 2A and 2B provide that a judge shall act, at all times, in a manner that promotes public confidence in the impartiality and integrity of the Judiciary and that a judge shall not lend or use the prestige of the judicial office to advance the private interests of the judge or others. Canon 4C(4) provides that a judge may serve, *inter alia*, as an officer or director of a charitable, civic, or educational organization, subject to the other provisions of the Code.

In the instant case, it appears highly unlikely that the court on which this judge sits will encounter any litigation from the PTSA, in that this organization is separate and distinct from the school system of the jurisdiction in which the judge's court is located. Therefore, the integrity and impartiality of the Judiciary would not be compromised.

One of the functions of the PTSA involves fund-raising. Canon 4C(4)(d)(i)(A) provides that a judge shall not participate personally in solicitation of funds or other fund-raising activities, except that a judge may solicit funds from other judges in certain circumstances. A judge, however, may assist an organization in planning fund-raising. Canon 4C(4)(d)(iv). Most of the fund-raising activities of the PTSA include the selling of candy, pizza, and other similar activities. Based on the details provided, the judge in this case will

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not personally be engaged in solicitation of funds or any other fund-raising activities. Those activities will be delegated to other officers in the PTSA, such as the 1<sup>st</sup> or 2<sup>nd</sup> Vice Presidents, the Secretary and the Treasurer. In addition, the judge has indicated that being a signer on the bank account could also be delegated to another PTSA officer, thereby, absolving the judge of personally or directly participating in the fund-raising activities of the PTSA.

As President, the judge's name must appear on the PTSA's letterhead. Canon 2B provides, in part, that a judge shall not lend or use the prestige of judicial office to advance the private interests of the judge or others, nor shall a judge convey or permit others to convey the impression that they are in a special position to influence judicial conduct. In accordance with the Comment to Canon 4C(4)(d), use of an organization's letterhead for fund-raising or membership solicitation does not violate Canon 4C(4) if the letterhead lists only the judge's name and the position held in the organization. A judge's judicial office also may be listed if comparable information is listed for other individuals who hold positions within the organization. Therefore, the judge in this case could serve as President of the PTSA, subject to the factual and legal analysis above.

**Application:** The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the requestor described in this opinion, to the extent of the requestor's compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this opinion.

Additionally, this opinion should not be considered to be binding indefinitely. The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If you engage in a continuing course of conduct, you should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.