

Maryland Judicial Ethics Committee

Opinion Request Number: 2017-12¹

Date of Issue: July 25, 2017

Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judges may not accept tickets to Baltimore Orioles baseball games to sit in the Governor's Box

Issue: May a group of Maryland judges accept Baltimore Orioles baseball tickets *gratis* in the Governor's Box?

Answer: No.

Facts: The Governor's Box is a suite (also described as a sky box) along the club level at Camden Yards, where the Baltimore Orioles team plays major league baseball. It is equipped with chairs sofas, a wet bar, and rest room. The Governor of the State of Maryland is entitled to the use of the Box at no charge by virtue of a lease between the Orioles and the Maryland Stadium Authority. The Governor determines who may use the Box. Customarily governors have made the Box available for employees of administrative agencies and for functions of the executive branch of government such as entertaining corporate officials with whom the state is discussing economic development.

Application: Underlying the tenets of the Maryland Code of Judicial Conduct is Rule 18-101.2(a): "A judge shall act at all times in a manner that promotes public confidence in the *independence*, integrity and impartiality of the judiciary." [emphasis added.] Article 8 of the Maryland Declaration of Rights: "That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other...." Rule 18-103.1(c) directs that judges shall not "participate in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality."

Agencies and agents of the executive branch of government appear in court on a regular basis, whether an administrative agency in judicial review of its decision, law enforcement officers in criminal matters, or officials in many other matters involving decisions and actions of the executive branch. While accepting a gift of tickets to attend a baseball game in a relatively luxurious suite might seem innocuous, an observer might conclude that the boundary between the judicial and the executive branches of government is not precise or that members of the Governor's staff and the guest judges are personally close and trade favors. Litigants must be confident that decisions in their cases are based solely on an independent analysis of the law and the facts of the case, free from any bias toward the state or its agents.

The risk of undermining that confidence by appearing to be too closely associated with members of the executive branch requires that judges not accept free tickets to use the Governor's Box.

¹ Judge Kehoe did not participate in this Opinion.

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Application: The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the Requestor described herein, to the extent of the Requestor's compliance herewith. Omission or misstatement of a material fact in the written request for an 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 the request for advice involves a continuing course of conduct, the Requestor 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.