

JUDICIAL ETHICS COMMITTEE

OPINION NO. 99-5

We have been asked to render an ethics opinion regarding the Code of Judicial Ethics, specifically, (1) whether Judges and clerks may participate in a charity golf tournament sponsored by the Tennessee Judicial Foundation by playing on teams and sponsoring holes and/or tees, (2) whether members of bar association groups may be involved in hole and/or tee sponsorship and (3) whether it would be appropriate for the Foundation to seek participation from legal publishers or other suppliers by way of either fielding teams for the golf outing or participating in hole and/or tee sponsorship and whether such organizations could underwrite the financing of this tournament.

The Judicial Ethics Committee is of the opinion that judges and clerks would not violate the provisions and the Canons of the Code of Judiciary by participating in this charitable event. The Foundation is hosting the golf tournament in hopes to raise funds for its scholarship awarded to deserving law students. Canon 4(C)(3)(b) specifically addresses this issue and allows a judge to participate in fund-raising activities as long as they do not personally participate in the solicitation of funds or other fund-raising activities.

It is the opinion of the Judicial Ethics Committee that the Foundation may invite members of bar association groups by the Foundation publishing invitations. These Bar Associations may be involved in hole and/or tee sponsorship as long as no member of the Judiciary directly solicits funds from lawyers. See Canon 4C(3)(b)(i).

The Committee also believes that the Foundation may seek participation from legal publishers, as long as they are not engaged frequently in proceedings in the court of which the judge is a member or a court which is subject to appellate jurisdiction of the court which the judge is a member, to either field the teams for the golf outing or participate in hole and/or tee sponsorship. See Canon 4 C(3). Participation by these legal publishers should be decided on a case by case basis.

It is, therefore, the opinion of the Judicial Ethics Committee that the Foundation hosting a golf tournament in which judges, clerks, members of bar association groups and legal publishers participate does not violate the Code of Judicial Ethics.

Floyd Peete, Jr.

Date

Concur:

Frierson

Waggoner

Kurtz (separate concurring opinion)

Hayes (not participating)