

**JUDICIAL ETHICS ADVISORY COMMITTEE
OF THE
STATE OF DELAWARE**

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The Hon. Sheila G. Blakely
The Hon. Donald F. Parsons, Jr.
The Hon. Robert B. Coonin

2005-4

December 12, 2005

**Re: Opinion From the Judicial Ethics Advisory Committee:
May a Judge Attend a Holiday Party Hosted by an Elected
Official that Benefits Toys For Tots?**

Dear _____ ;

You have requested an opinion of the Judicial Ethics Advisory committee (“the JEAC or the Committee”) regarding whether a judge would be precluded by the Delaware Judge’s Code of Judicial Conduct (“the Code”) from attending a holiday party hosted by Senator _____ and his wife on December 10, 2005. The party is associated with Toys for Tots and attendees at the party are asked to bring a small unwrapped gift to the party if they wish. The committee has reviewed the invitation and spoken by telephone with Senator _____ office. Senator _____ office advised me that all Delawareans in their database, regardless of political affiliation, are sent invitations to the Holiday Party. A guest does not have to bring a gift for Toys for Tots.

The Committee's Advice

The Committee believes that this event is not a “political gathering” and therefore you may attend this event and donate a gift if you wish to Toys for Tots.

The Applicable Canons of Judicial Conduct

Your request implicates Canon 7 of the Code which states, in pertinent part:

A. A judge should not:

- (3) Directly or indirectly solicit funds or pay an assessment or make a contribution to a political organization or candidate, **attend political gatherings**, or purchase tickets for political party dinners, or other functions. (emphasis added).

Your request may also implicate Canon 5B of the Code which provides, in pertinent part:

- B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties ...

Analysis

After considering your letter, reviewing the invitation and speaking with Senator _____ office, the Committee believes that the Holiday party is not “a political gathering” and you may attend this event.

The JEAC in JEAC Op. 2005-3 advised that Judges should not attend an event that was billed as a non-political event, honoring an attorney and public servant, where a portion of the proceeds from the event would go to the Delaware Republican Party. The Committee concluded in that case because a portion of the proceeds went to a political party it rendered the event a political fund-raising event. The Committee opined that

Republican Party sponsorship of the event, alone, would not render the event a prohibited “political gathering” under Canon 7. Republican sponsorship coupled with Republican Party fund-raising, however, makes this event a “political gathering” notwithstanding the proffered intentions of the organizers.¹

Other jurisdictions have found that judges may attend inaugural events that are not political fund-raisers. See *South Carolina Advisory Opinion 2-1995*(1995) and *Kentucky Advisory Opinion JE-19*(1981).

Senator _____ event is a Holiday Party held during the Christmas and Hanukah seasons. The fact that the party is hosted by an elected official does not render the event a” political gathering”. Guests may, but are not required to bring an unwrapped child’s gift which will be donated to Toys for Tots, a charitable organization. You are free to donate to any civic or charitable organization that does not reflect adversely upon your impartiality or interfere with the performance of judicial duties. The committee does not believe that donating a child’s gift to Toys for Tots would compromise your impartiality.

¹ JEAC Op. 2005-3 at p.5

For the Committee:

Mardi F. Pyott
Vice Chair, Judicial Ethics Advisory Committee

