

JUDICIAL ETHICS ADVISORY COMMITTEE  
OF THE  
STATE OF DELAWARE

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March 19, 2002

**JEAC 2002 - 3**

**Re: Judicial Ethics Advisory Opinion**

Dear \_\_\_\_\_ :

In your letter dated March 13, 2002, you ask the Judicial Ethics Advisory Committee for an opinion as to whether your attendance at an event to raise funds for a sculpture of Thomas Maloney, a now deceased, former mayor of Wilmington, would violate the Delaware Judges' Code of Judicial Conduct. The event is scheduled for March 22, 2002.

In your request you state that "The Friends of Tom Maloney" are sponsoring a celebration of what would have been the late mayor's 60<sup>th</sup> birthday. You have included with your request a notice of the event. It lists approximately forty people by name as "The Friends of Tom Maloney." It invites people to "Come Celebrate Tom's 60<sup>th</sup> Birthday" and reads in relevant part as follows:

On July 19, 2000, Wilmington lost one of its finest Mayors and best-known citizens, Tom Maloney. As both Mayor and a private citizen, Tom was probably Wilmington's biggest cheerleader. Tom always seemed to find a way to get the job done. From the City's first homestead program

and his efforts to restore the Grand Opera House to his later work involving substance abuse among teens, Tom left an indelible mark on our community.

As a tribute to Tom's memory, Mayor Jim Baker commissioned Charles Parks to sculpt a likeness of Tom. The purpose of this event is to raise funds toward the completion of this project.

The notice indicates that the cost is \$100.00 and checks are to be written to the Wilmington Arts Commission. The event is being held at the Charles Parks Studio. You indicate that you have no knowledge of any activities of "The Friends of Tom Maloney" beyond raising money for the sculpture. The notice does not indicate where the sculpture will be placed. In your letter you presume that it will be placed in some public place. Although neither your letter nor the notice so state specifically, it would appear that "The Friends of Tom Maloney" includes a broad spectrum of individuals and is not limited to people of any particular political party.

The Canon most directly involved in your request is Canon 7, which provides in relevant part that:

A. A judge should not:

(3) ... 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.

In this case the committee is of the opinion that Canon 7 does not prohibit you from attending this event. Based upon the facts which you have submitted, the event is being held solely for the purpose of raising funds for a sculpture of a deceased, popular mayor of Wilmington. It appears that the \$100 contribution will be used entirely for the sculpture, excepting only that amount, if any, which may possibly be used to defray the costs of the event. Under the unique facts involved here, the

committee is of the opinion that this nonpartisan event is not a political gathering, which you would be prohibited from attending under the Canon. The committee also believes that your attendance at the event will not violate any of the other Canons of Judicial Conduct.

Very truly yours,

James T. Vaughn, Jr.