

December 6, 2005

Judge David N. Laser
Circuit Judge, Division 9
Second Judicial District
P.O. Box 420
Jonesboro, AR 72403

RE: Advisory Opinion 2005-07

Dear Judge Laser;

Your letter asks about the propriety of a fund raiser, in the form of a “roast” for a retired Circuit Judge. Although the Circuit Judge is still on the bench, at the time of the roast in 2006, he will have retired from active duty. The fund-raiser will be put on by the Northeast Arkansas Legal Support Professionals. Some of the members of the organization are assistants to sitting circuit judges. Any funds remaining over and above expenses will be used by the organization of their ongoing charitable and educational purposes.

- 1) According to Canon 4(C)(3) of the Arkansas Code of Judicial Conduct, a judge may not participate in the fund raising activities of a charitable or educational organization, and may not be the guest of honor at the organization’s fund-raising event. However, we find nothing in the Code that bars a retired judge from being the speaker or guest of honor at such an event. Similarly, if the retired judge wishes, he may be “roasted” at such an event.
- 2) The Commentary to Canon 4(C)(3) states that a sitting judge may purchase tickets and attend such an event, but may not be a speaker at the fund-raising event. Accordingly, we conclude that a sitting judge may not be “a roaster.” We have previously stated that even though the amount of money raised may be minimal and barely above expenses, the event must still be treated as a fund-raiser. See Advisory Opinions 92-02 and 94-03.
- 3) Similarly we conclude that it would be improper to include the names of sitting circuit judges in the program. Such an indication would lend the support of the judicial office to the fund raising activities of a private group.

- 4) The Northeast Arkansas Legal Support Professionals may promote the event and the fund-raising. Those members who are trial court assistants for circuit judges should take special precaution to avoid any suggestion that the court or court officials are promoting the event.

For the committee,

Howard W. Brill

JUDGE DAVID BOGARD DID NOT PARTICIPATE IN THIS OPINION