



Judicial Ethics Advisory Committee

September 6, 2023

LaTonya Honorable
Circuit Judge
Pulaski County Courthouse
401 West Markham, Room 410
Little Rock, AR 72201

Re: Advisory Opinion 2023-01

Dear Judge Honorable:

By letter dated August 31, 2023, to the Judicial Discipline and Disability Commission, you requested an advisory opinion about an upcoming speaking engagement. That request has been referred to this committee for response.

Pursuant to the requirements of the Committee, your letter set forth the relevant facts and we saw no need to request additional information. Based on those facts and our review of the Code of Judicial Conduct, (the Code) and the decisions thereunder, it is our opinion that your speaking at the Dr. Jerry Jewell Freedom Fund Banquet would be in violation of the Code.

The controlling Rule is, as you pointed out, 3.7(A)(4) which states as follows:

Rule 3.7-Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

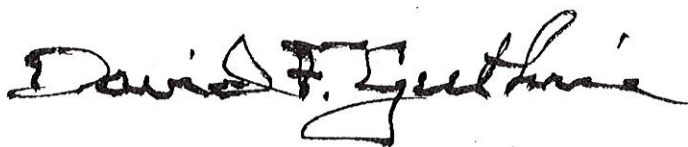
Clearly, from a plain reading of its title, the scheduled event "...serves a fund-raising purpose." It is also accepted that the NAACP, the sponsor of this 2day convention, is a 501(c)(4) organization under the federal tax code and is involved with the law, the legal system or the administration of justice. The proposed flyer for the event stated that legal and civic topics will be taught in plenary classes earlier in the day or the following day. The concern of the Committee is that using ancillary events both before and after the scheduled event or a general mission statement of the NAACP broadens the interpretation of the exception stated in Rule 3.7(A)(4) beyond the scope of the present case law. It is the event itself which is determinative of the exception to the general prohibition against involvement with fundraising events. Here, the scheduled event, by itself, is not sufficient to invoke the exception.

In addition, the primary purpose of the scheduled event is to raise funds by ticket sales. The funds raised would first be used to pay the cost of the event and the remainder would then be deposited in the general fund of the NAACP. No further designation of the use of these funds will be made. This lack of specificity is troubling as the funds could be used for any common expense of a large national organization.

The consensus of the Committee is that the general prohibition against fund-raising in Rule 3.7(A)(4) should control under these facts. However, it would be allowable for you to speak at one of the plenary classes on legal or civics topics as those do not raise funds. Such an appearance would be consistent with extrajudicial activities for your community concerning the law, the legal system and the administrative of justice.

We trust that this advisory opinion will be helpful guidance.

Sincerely,

A handwritten signature in black ink that reads "David F. Guthrie". The signature is written in a cursive, flowing style.

David F. Guthrie
For the Committee

Member Howard Brill joins in the result.