

Maryland Judicial Ethics Committee

Opinion Request Number: 2026-03

Date of Issue: April 09, 2026

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Judge's Volunteer Service at Government-Run Animal Shelter

Issue: May a judge serve as a volunteer at an animal shelter operated by the local government of the judge's jurisdiction?

Answer: Yes, with certain limitations.

Facts: The Requester is a judge who wishes to volunteer several hours each calendar quarter at an animal shelter in the judge's jurisdiction. The animal shelter is operated by the local government. The Requester would work with the animals and also do some office work. As potential concerns, the Requester states that the volunteer work could bring the Requester into contact with animal control officers in the Requester's jurisdiction and with defendants ordered to do community service at the shelter.

Analysis: The Maryland Code of Judicial Conduct (the "Code"), Title 18, Chapter 100 of the Maryland Rules, establishes the standards for the ethical conduct of judges. The following rules are implicated here.

Rule 18-101.2 provides:

- (a) **Promoting Public Confidence.** A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- (b) **Avoiding Perception of Impropriety.** A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

Rule 18-103.1 applies to extrajudicial activities and provides:

Except as prohibited by law or this Code, a judge may engage in extrajudicial activities. When engaging in extrajudicial activities, a judge shall not:

- (a) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (b) participate in activities that will lead to frequent disqualification of the judge;
- (c) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;

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(d) engage in conduct that would appear to a reasonable person to be coercive; or

(e) make inappropriate use of court premises, staff, stationery, equipment, or other resources.

Rule 18-103.7(a) makes a possible distinction between types of organizations and their activities:

Subject to the requirements of Rules 18-103.1 and 18-103.6, 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

Rule 18-102.11 applies to disqualification.

The comments to Rule 18-103.1 encourage judges to participate in appropriate community activities: “Participation in both law-related and other extrajudicial activities helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system.” Rule 18-103.1 cmt. [2]. “To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities.” *Id.* cmt. [1]. Activities that involve “the law, the legal system, and the administration of justice” are particularly suited to judges. *See* Ethics Op. 2024-43 at p. 3 (Jan. 10, 2025) (“Judges are permitted to engage in bar association activities and are encouraged to be active in bar associations”; concluding that a judge may speak at a bar association conference even if participants are charged a fee); Ethics Op. 2023-09 (Mar. 27, 2023) (concluding that judges may participate in a “dinner with the judges” program of a local bar association even though the event is sponsored by law firms or other businesses); *but see* Ethics Op. 2023-32 (Oct. 24, 2023) (concluding that a judge who is a member of the Maryland State Bar Association’s Committee on Ethics may not perform monthly duty on the Committee’s ethics hotline because doing so would amount to the practice of law by giving legal advice to individual attorneys).

Community participation is not limited to law-related activities: “[J]udges are permitted and encouraged to engage in educational, religious, charitable, fraternal, or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.” Rule 18-103.1 cmt. [1]. *See, e.g.*, Ethics Op. 2012-15 (Mar. 4, 2013) (considering the extent of recusal required for a judge who volunteered in a hospice program and whose spouse served on the board of the hospice program; implicitly approving the judge’s role as a hospice volunteer); Ethics Op. 2008-40 (Mar. 4, 2009) (concluding that a District

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Court commissioner may serve as a volunteer firefighter and emergency medical technician). The Committee’s primary concern in the second of these opinions was with limits on the commissioner’s involvement in fundraising activities of the volunteer fire company. The Committee noted, factually, that the volunteer fire company “is not a part of either State or local government.” *Id.* at p. 1. In the discussion, the Committee recognized that “fire companies perform functions of the Executive Branch of government,” but the Committee was satisfied that the commissioner would not be acting as a commissioner when performing duties with the volunteer fire company and that the distinction was sufficient to preserve the independence of the judicial branch of government. *Id.* at p. 2.¹

Based on these opinions and the more general limitations prescribed by Rule 18-103.1, the Requester’s proposed volunteer role with the animal shelter is permissible non-law related extrajudicial activity. The relatively small number of hours planned should not result in any interference with the judge’s proper performance of judicial duties. The Requester’s volunteer affiliation with the animal shelter should result in the Requester’s recusal from cases in which the shelter is a party. The Requester is properly sensitive to contacts with either animal control officers or defendants performing required community service at the shelter. If the Requester, as a volunteer, has regular interactions with animal control officers through the shelter, then the Requester likely should recuse from cases involving those animal control officers. The Requester also should recuse from any criminal case in which the defendant has performed required community service at the shelter if the Requester has had contact with that defendant through the shelter. Given the relatively small number of hours the Requester intends to volunteer and the infrequency with which the Requester’s volunteer work is likely to involve either animal control officers or defendants from criminal cases, the Committee does not believe that the Requester’s volunteer work is likely to lead to frequent disqualification. The Requester should be alert, however, to these circumstances and should continue to assess the reasonable public perceptions that might arise from them.

Rule 18-103.7, however, presents an additional issue here because the animal shelter is operated by a local government entity. That Rule appears to create a distinction between volunteer activities with government-sponsored programs and volunteer activities with

¹ Although not discussed in the opinion, the Committee cautions that a judge or judicial appointee serving as a volunteer firefighter also must be sensitive to the extent of contacts with law enforcement officers and whether those contacts could lead to frequent recusals or to a reasonable perception that the judge was not impartial.

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private, nonprofit organizations. For the reasons that follow, the Committee concludes that the distinction does not prohibit the particular volunteer activity the Requester proposes.

Rule 18-103.7 has a single sentence in subsection (a) followed by six subsections numbered (1) to (6). The single sentence presents grammatical ambiguity both standing alone and in relation to the six numbered subsections that follow it. The primary sentence provides:

Subject to the requirements of Rules 18-103.1 and 18-103.6, 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

Rule 18-103.7(a). Standing alone, the sentence contains two separate permissions for judges to participate in certain extrajudicial activities. Both permissions are preceded by the qualifying phrase: “Subject to the requirements of Rules 18-103.1 and 18-103.6.” First, subject to those other rules, “a judge may participate in activities sponsored *by organizations or governmental entities* concerned with the law, the legal system, or the administration of justice” *Id.* (emphasis added). In this first permission, judges are permitted to participate in the *law-related* activities of organizations or governmental entities. Second, also subject to those other rules, “a judge may participate in . . . [activities] sponsored *by or on behalf of educational, religious, charitable, fraternal, or civic organizations* not conducted for profit.” *Id.* (emphasis added). In this second permission, judges may participate in the activities of non-profit organizations whether the activities are or are not law-related.

The interpretive question that arises here is what significance, if any, to attach to the fact that “governmental entities” are included in the first permission only. A more restrictive interpretation would conclude that because activities of governmental entities are referred to only with the restriction that those activities be law-related, there is an implicit prohibition on judges participating in any governmental activities that are not law-related. The second permission omits the law-related modifier, instead using the non-profit modifier. The restrictive interpretation would suggest that this means that judges may participate in activities that are not law-related only when the activities are sponsored by non-profit “educational, religious, charitable, fraternal, or civic organizations.”

Rule 18-103.7(a) is also open to a more flexible or permissive construction. As noted, the two clauses in the Rule are permissions, not prohibitions. Thus, the first clause may be construed to authorize a judge’s participation in “activities sponsored by organizations or governmental entities” when those activities are law-related, but not necessarily to bar participation in such activities when they are not law-related. That understanding is

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consonant with the recognition that “[j]udges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice” Md. Rule 18-103.1 cmt [1]. It also reflects the separation of powers concerns that arise when a judge assumes a government role as a judge but outside the judiciary. That situation is addressed more specifically in Rule 18-103.4, which provides that “[a] judge may not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.”

The Committee concludes that the more flexible interpretation of the two clauses in Rule 18-103.7(a) is consistent with the structure and provisions of the six numbered items that follow as part of subsection (a). The six numbered items are introduced in subsection (a) with the phrase “including the following activities.” The six numbered items therefore are intended as a non-exclusive set of more specific applications of the permissions presented in subsection (a). These more particular “activities” are not divided between the activities of “organizations or governmental entities” and the activities of nonprofit organizations. To the contrary, five of the six numbered items use “such an organization or entity” in apparent reference to any organization or entity described in subsection (a). The only numbered item that does not use that phrase refers to “such a public or private fund-granting organization or entity”—a reference that plainly combines both governmental and private nonprofit entities. Md. Rule 103.7(a)(5). The larger structure of the Rule thus diminishes rather than accentuates any distinction between activities of public and private organizations.

The Committee has not found instances in which the judicial ethics committees in other states have addressed this particular issue. The restrictive interpretation gains some support in a California opinion, but the context of that decision differs from the context here. In Opinion No. 61 (August 2008), the Judicial Ethics Committee of the California Judges Association considered “[u]nder what circumstance is it ethically permissible for a judge to serve as a member of an advisory committee to either a government or nonprofit entity?” The applicable California rules were somewhat different from the Maryland Rules considered here. California Canon 4C(3)(a) permitted a judge to “serve as an officer, director, trustee, or nonlegal advisor of an organization or government agency devoted to the improvement of the law, the legal system, or the administration of justice provided that such position does not constitute a public office within the meaning of the California Constitution, Article VI, Section 17.” The California committee construed this provision as creating a basic distinction with respect to governmental advisory committees: “[A] judge who contemplates joining an advisory committee to a governmental entity must first ask whether the work of the entity relates to the improvement of the law, the legal system, or the administration of justice. If it does not, the judge may not ethically be a member of

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the advisory committee.” As an illustration of this “important distinction[],” the California committee opined that “a judge may be a member of an advisory committee to a public law school, but may not similarly advise a public school board.” When it turned to advisory committees to nonprofit organizations, as opposed to governmental entities, the California committee opined that “membership on advisory committees to nongovernmental organizations is not restricted to organizations whose work relates to improvement of the law, the legal system or the administration of justice.” The California committee considered this distinction only as it applied to a judge’s membership on advisory committees, not to volunteer work more broadly.

This Committee has issued many opinions addressing instances in which judges seek to serve on governmental entities as judges. This Committee has opined that a judge cannot ethically accept appointment to a Local Governance Board involved with services to children and families, primarily because of separation of powers concerns involved in the executive functions performed by those boards. Ethics Op. 2007-11 (Oct. 14, 2008). On similar grounds, the Committee opined that a Maryland judge could ethically serve on a Children’s Justice Act Committee of the State Council on Child Abuse and Neglect, but only if the judge avoided participation in activities that were legislative or executive in nature. Ethics Op. 2009-02 (July 28, 2009).² See also Ethics Op. 2022-26 (July 25, 2022) (senior judges in active status may not serve on local police discipline trial boards); Ethics Op. 2021-32 (Jan. 5, 2022)³ (judge may serve on local Domestic Violence Coordinating Council, but judge must avoid executive and legislative functions and must be sensitive to maintaining judicial independence and to avoiding causes for recusal); Ethics Op. 2018-26 (June 29, 2018) (judge may serve as judge advocate or JAG officer in military reserves); Ethics Op. 2017-08 (Apr. 5, 2017) (senior judge in active status may participate as part of team applying to be federal court monitor with respect to Baltimore Police Department, but judge if selected should not then sit on any matter involving alleged police misconduct); Ethics Op. 2013-15 (Sept. 18, 2013) (judge may serve on state Commission on Child Custody Decision Making, but judge’s role must be law-related, must avoid executive and legislative functions, and must not compromise independence); Ethics Op. 2013-11 (Aug. 12, 2013) (judge may serve on Juvenile Court Jurisdiction Task Force, but judge must avoid executive and legislative functions); Ethics Op. 2011-24 (Dec. 14, 2011) (judge

² These two opinions issued before 2010 involved provisions pre-dating the current Code of Judicial Conduct.

³ In this opinion, the Committee noted with respect to Rule 18-103.7: “Subsection (a) of that Rule describes certain included and excluded activities.” Ethic Op. 2021-32 (Jan. 5, 2022) at p. 3.

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may serve on Public Defender Regional Advisory Board, but judge must avoid executive functions).

The volunteer activity proposed by the Requester stands in sharp contrast to these instances of participation in governmental committees, boards, or commissions. The Requester proposes to work with animals in a setting where the volunteer duties would be exactly the same whether the shelter is operated by the local government or by a private, nonprofit entity. The governmental nature of this shelter may be the reason the Requester might be more likely to encounter animal control officers or individuals performing court-required community service, but those contacts are purely incidental to the volunteer work proposed by the Requester. The Requester would not be involved in the exercise of any governmental authority or any considerations of government policy.

This Committee once considered a judge's participation in a government-sponsored, non-law related activity. The Committee opined that a judge may serve as a coach for a public high school junior varsity basketball team, even earning a modest stipend. Ethics Op. 2014-25 (Aug. 4, 2014). The Committee considered what is now Rule 18-103.7 briefly:

We call the Requestor's attention to Rule 3.7. It provides that, generally, a judge may participate in activities sponsored by non-profit organizations, including non-law related organizations, but not if the event serves a fund-raising purpose. Rule 3.7(a)(4). While the request does not mention fund-raising activities, the Committee is mindful that, on occasion, athletic teams engage in fund-raising activities. The Requestor should not participate in or lend the prestige of his/her judicial office to such activities.

Id. at p. 2. The Committee did not analyze the issue before us here, but it also did not see the Rule as creating any strict prohibition on participation in government-sponsored activities that are not law-related.

The Committee interprets Rule 18-103.7(a) to permit a judge to participate in a government-sponsored, non-law related activity as long as the participation does not involve the exercise of any governmental authority or any considerations of government policy and will not interfere with the judge's independence or judicial duties. The Committee concludes that Rule 18-103.7 was not intended to create a rigid distinction that forbids all participation by a judge in activities of a governmental entity that are not law-related. Rather, the Rule should be interpreted to allow the Requester to volunteer at an animal shelter, even though the shelter is operated by a local government, because the proposed volunteer activity will not involve the judge in any governmental policy-making

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or the exercise of governmental authority. The Requester's participation remains subject to the basic restrictions on all extrajudicial activities of judges. The time demands of the activity must not interfere with performance of judicial duties, and the Requester must withdraw from the activity if circumstances arise that would create a perception that the activity adversely affects the Requester's independence or impartiality or that would lead to frequent disqualifications.

Application: The Maryland Judicial Ethics Committee cautions that this Opinion is applicable only prospectively and only to the conduct of the Requester described herein, to the extent of the Requester's compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this Opinion. Additionally, this Opinion should not be considered to be binding indefinitely.

The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If the request for advice involves a continuing course of conduct, the Requester should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.