

Maryland Judicial Ethics Committee

Opinion Request Number: 2014-14

Date of Issue: April 16, 2014

■ Published Opinion □ Unpublished Opinion □ Unpublished Letter of Advice

Judicial Appointee May Not Host Social Event for Political Candidate

Issue: May a judicial appointee host a “meet and greet” for a political candidate, at his or her home, provided that there is no fundraising involved?

Answer: No.

Facts: A Circuit Court master (the “Requestor”) has inquired as to whether it would be permissible to host a “meet and greet” at his or her home, where there would be fundraising involved.

Discussion: The Code of Conduct for Judicial Appointees (“Code”) governs the conduct of a Circuit Court master. See “Application” section (a) of Maryland Rule 16-814. Rule 16-814 provides, in pertinent part:

Rule 1.2. PROMOTING CONFIDENCE IN THE JUDICIARY

(a) *A judicial appointee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.*

(b) *A judicial appointee shall avoid conduct that would create in reasonable minds a perception of impropriety.*

Rule 1.3. AVOIDING LENDING THE PRESTIGE OF THE POSITION

A judicial appointee shall not lend the prestige of the judicial appointee's position to advance the personal or economic interests of the judicial appointee or others, or allow others to do so.

Rule 4.2. POLITICAL CONDUCT OF JUDICIAL APPOINTEE WHO IS NOT A CANDIDATE

(a) *A judicial appointee who is not a candidate for election shall not engage in any partisan political activity.*

A judicial appointee hosting a “meet and greet” for a political candidate at his or her home, or even attending such an event at the home of another, would likely convey to others the impression that the judicial appointee supports that candidate, as opposed to others seeking the same office. Hosting the “meet and greet” constitutes partisan political conduct under Rule 4.2, which specifically prohibits partisan political activity for judicial appointees who are not themselves candidates for election. In addition, Rule 1.3 requires judicial appointees not to lend the prestige of their office to advance the interests of others.

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While it is understandable that the Requestor may wish to engage in activities on his or her personal time that are unrelated to his or her duties as a master, the Code, however, does not permit partisan political activity for judicial appointees. Comment [2] to Rule 1.2 states: “A judicial appointee should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by this Code.”

In light of the reasoning set forth above, the Committee advises against the Requestor hosting a “meet and greet” for a political candidate at his or her home.

Application: The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the requestor described in this opinion, to the extent of the requestor’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 conclusions of the Committee. If you engage in a continuing course of conduct, you 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.