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OF THE COURTS



COMMONWEALTH OF KENTUCKY  
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY  
403 WAPPING STREET  
FRANKFORT, KENTUCKY 40601

ANTHONY M. WILHOIT  
Court of Appeals

JOSEPH H. ECKERT  
Circuit Court

B.M. WESTBERRY, CHAIRMAN  
Attorney

THOMAS J. KNOPP  
District Court

UHEL O. BARRICKMAN  
Attorney

JUDICIAL ETHICS OPINION JE-31

Informal

QUESTION: . May a judge serve on a church committee whose purpose is to oversee the solicitation of funds for the restoration of a church organ?

ANSWER: No.

REFERENCE: SCR 4.300, Canon 5B.

OPINION: Canon 5B provides in part:

. . . A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization . . . subject to the following limitations:

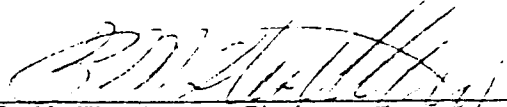
...

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. . . .

It is obvious that a judge may belong to and be an officer in various religious and similar organizations, including those which engage in fund raising. But in allowing such participation, we think that Canon 5 contemplates only those organizations which serve other functions in addition to fund raising; that is, those whose fund raising function is but one aspect of their total activities. We think that Canon 5 organizations do not include those whose sole function is the solicitation of funds, no matter how laudable the object of the fund raising may be.

The steering committee involved here appears to be an ad hoc committee which is being organized solely to solicit contributions for a single purpose, and which will be disbanded when the goal is reached. It serves no function other than the solicitation of funds. Even if the committee members will be directing the project rather than actively soliciting funds, we believe that it is impossible to distinguish between the two phases of the project. In the public view, the committee members will be engaged in fund raising.

For these reasons, we hold that membership on the committee would run afoul of Canon 5B(2). It is therefore forbidden.

  
B. M. Westberry, Chairman  
Ethics Committee of the Kentucky  
Judiciary