

**Colorado Supreme Court
Judicial Ethics Advisory Board (C.J.E.A.B.)
C.J.E.A.B. ADVISORY OPINION 2006-10
(Finalized and effective December 20, 2006)**

ISSUE PRESENTED

The requesting judge asks whether he may attend gubernatorial inaugural events.

CONCLUSION

The judge may attend the inauguration ceremony and related events.

APPLICABLE CANONS OF THE COLORADO CODE OF JUDICIAL CONDUCT

Canon 5 encourages judges to engage in extra-judicial activities. Canon 5A concerns avocational activities and encourages a judge to engage in social activities, so long as those activities do not detract from the dignity of the judge's office or interfere with the performance of judicial duties. Canon 5B encourages a judge to participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties.

Canon 7 directs a judge to refrain from political activity inappropriate to the judicial office. Canon 7A1(c) prohibits a judge from attending partisan political gatherings or purchasing tickets for political party dinners or similar functions.

DISCUSSION

Under the Canons, a judge is encouraged to participate in social and civic activities, but is prohibited from engaging in political activities. The question here is whether the inauguration ceremony, at which Colorado's next governor will be sworn in, and attendant events, such as the inauguration dinner, concert, and whistle-stop train tour are political activities or social and civic activities. The web site of the governor-elect states that each of these events is open to the public at large, and tickets for any of them may be purchased for a nominal fee by any interested citizen. See www.coloradopromise.org. Fees to attend the inaugural events cover only the cost of the event and no part of the attendance fees will be retained by any political party.

In the Board's view, these inaugural events qualify as social or civic ceremonial activities in which all citizens, regardless of official position, are permitted to participate. We agree with the analysis of our counterparts in South Carolina, which concluded that "By attending the inauguration ceremonies, including the ball, a judge simply participates as a spectator to a time honored tradition of government that symbolizes and celebrates the orderly and legal transition of elected officials. Also, by attending as a spectator the judge

is merely showing respect, in a dignified manner, for a branch of government other than his own, which thus avoids harming the integrity and impartiality of the judiciary and avoids any appearance of impropriety.” *See* S.C. Ad. Op. 2-95. Therefore, a judge may attend the inauguration ceremony and other inaugural events without violating the Code of Judicial Conduct. *See also* Fl. Ad. Op. 92-41; N.Y. Ad. Op. 98-12.

There are some caveats to our conclusion that it is appropriate for appropriate for an interested judge to attend the gubernatorial inauguration. First, a judge participating in inaugural activities may not engage in fundraising to pay for his or her attendance. Second, the judge should not use his or her attendance at the inauguration as an opportunity to seek elevation by the governor to a higher bench. Third, the judge should attend the inauguration ceremony as would any member of the public, and should not be seated on the dais with the governor-elect or position himself in such a way as to suggest a particular allegiance with the governor. This caveat, of course, would not extend to any judge, such as the Chief Justice, who is officiating at the ceremony or playing another formal role in the inauguration ceremony, as contemplated by the constitution or statutes. Fourth, and relatedly, a judge attending inaugural activities should be identified, to the extent possible, by his or her name, without reference to his or her judicial title.

FINALIZED AND EFFECTIVE by the Colorado Judicial Ethics Advisory Board this 20th day of December, 2006.