

**Colorado Supreme Court  
Judicial Ethics Advisory Board (C.J.E.A.B.)  
C.J.E.A.B. ADVISORY OPINION 2007-03  
(Finalized and effective February 1, 2007)**

**ISSUE PRESENTED**

The requesting judge sits on the district court in a large urban district. He has been invited to join a volunteer grant-making committee of a local community foundation. The foundation disperses more than \$10 million per year to community institutions and nonprofit organizations throughout the region in five key program areas, including health care, the focus of the committee on which the judge has been asked to serve. The judge's role would be limited to determining, along with other committee members, which grant applicants should be awarded foundation funds. He would not engage in any fundraising on behalf of, or provide any investment advice to, the foundation or the committee. May the judge serve on the committee?

**CONCLUSION**

The judge may serve on a grant-making committee of a community foundation.

**APPLICABLE CANONS OF THE COLORADO CODE OF JUDICIAL CONDUCT**

Canon 5B encourages a judge to participate in civic and charitable activities. It provides that a judge may serve as an officer, director, trustee, or nonlegal advisor of a charitable, social, or civic organization if not conducted for the economic or political advantage of its members. Subsection 1 of the Canon also provides that a judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will regularly be engaged in adversary proceedings in any court. Canon 5B2 states that a judge shall not personally solicit funds for any charitable organization and may not permit the use of the prestige of the judge's office for that purpose. However, a judge may assist in the planning and organizing of fundraising events, and may attend those events.

**DISCUSSION**

As the Board noted in 2007-02, the companion opinion to this request, Canon 5B broadly encourages judges to participate in civic and charitable activities that do not adversely reflect on the judge's impartiality or interfere with his ability to carry out his judicial duties. Subject to certain caveats outlined in the Canon and reiterated in that opinion, judges may serve as nonlegal advisors or directors for such organizations.

In the Board's view, the judge's proposed activity falls squarely within Canon 5B. Accordingly, we conclude that the judge may serve as a volunteer member of the foundation's grant-making committee. *Cf.* N.M. Ad. Op. 99-03; Oh. Ad. Op. 90-16.

Our conclusion is tempered, however, by the limitations described in the Canon. Thus, we reiterate that the judge should not personally solicit funds on behalf of the organization. He may personally make donations to the organization, (which donations could be matched by the foundation), and he is not foreclosed from participating in the planning or organizing of fundraising events, so long as the prestige of his judicial office is not used for fundraising purposes. The judge also must not provide legal or investment advice to the foundation and the committee. Finally, he should review on a regular basis whether the foundation is frequently engaged in adversary proceedings in any court and, if so, reassess the propriety of his continued participation as a committee volunteer.

FINALIZED AND EFFECTIVE by the Colorado Judicial Ethics Advisory Board this 1st day of February, 2007.

Board member James Wallace does not participate in this opinion.