

Nebraska Judicial Ethics Opinion 08-4

Question Presented --

May a judge attend a dinner and speak during a program celebrating a State board's service to the citizens of Nebraska?

Conclusion

The judge may attend the dinner and participate in the program as a speaker.

Statement of Facts

The judge has been invited to attend and be a speaker at an anniversary celebration of a State board. The celebration includes dinner and a program. The program will include a history of the board. The judge will be honored during the program and has been asked to speak regarding the success of pretrial conferences in the judge's jurisdiction. The 300+ volunteers of the board have been invited to be honored for their work, and the program will be video recorded for board members unable to attend. It appears that dinner is complimentary for all attendees, and the invitation states that mileage will be provided. There is no indication that any fund-raising activity is associated with the event.

Applicable Code Sections

Neb. Code of Jud. Cond. §§ 5-204(B) and (D)(5)(a) & (c)

References in Addition to Nebraska Code of Judicial Conduct

Nebraska Judicial Ethics Opinion 07-1

Washington Advisory Opinion #91-27

Jeffrey M. Shaman et al., *Judicial Conduct and Ethics* (3d ed. 2000)

Discussion

Canon 4(B) allows a judge to speak, lecture, and participate in extrajudicial activities concerning the law, the legal system, the administration of justice, and nonlegal subjects. Canon 4(D)(5)(a) provides that a judge shall not accept a gift or favor except that a judge may accept an invitation to attend an activity devoted to the improvement of the law, the legal system, or the administration of justice. A judge may also accept ordinary social hospitality. Canon 4(D)(5)(c).

The primary purpose of the event is to celebrate the board's 25 years of service to the citizens of Nebraska. It is clear that a judge may speak at a dinner. To the extent that the dinner may be considered a gift because it is supplied at no cost to the judge, the acceptance of such a gift appears to be permitted under Canon 4(D)(5) because the function of the program pertains to the administration of justice and the dinner could be characterized as ordinary social hospitality.

Disclaimer

This opinion is advisory only and is based on the specific facts and questions submitted by the person or organization requesting the opinion pursuant to appendix A of the Nebraska Code of Judicial Conduct. Questions concerning ethical matters for judges should be directed to the Judicial Ethics Committee.

APPROVED AND ADOPTED
BY THE COMMITTEE ON SEPTEMBER 18, 2008

Judge John F. Steinheider
Judge Carlton E. Clark
Judge John A. Colborn
Judge Robert B. Ensz
Judge Lawrence D. Gendler
Judge William B. Cassel
Judge Sandra L. Dougherty