

1 **RULE 3.7 Participation in Educational, Religious, Charitable, Fraternal, or**
2 **Civic Organizations and Activities**
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4 (A) Subject to the requirements of Rule 3.1, a judge may participate in activities
5 sponsored by organizations or governmental entities concerned with the *law*, the legal system, or
6 the administration of justice, and those sponsored by or on behalf of educational, religious,
7 charitable, fraternal, or civic organizations not conducted for profit, including but not limited to
8 the following activities:
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10 (1) Assisting such an organization or entity in planning related to fundraising, and
11 participating in the management and investment of the organization's or entity's funds;
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13 (2) Soliciting *contributions* for such an organization or entity, but only from *members*
14 *of the judge's family*, or from judges over whom the judge does not exercise supervisory
15 or appellate authority;
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17 (3) Participating in but not soliciting funds for *de minimis* fundraising activities that
18 are directed at a broad range of the community and that may be performed by other
19 volunteers who do not hold judicial office;
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21 (4) Soliciting membership for such an organization or entity, even though the
22 membership dues or fees generated may be used to support the objectives of the
23 organization or entity, but only if the organization or entity is concerned with the *law*, the
24 legal system, or the administration of justice;
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26 ~~(4)(5)~~ Appearing or speaking at, receiving an award or other recognition at, being
27 featured on the program of, and permitting his or her title to be used in connection with
28 an event of such an organization or entity, ~~but if the event serves a fundraising purpose,~~
29 ~~the judge may participate only if the event concerns the law, the legal system, or the~~
30 ~~administration of justice provided the participation does not reflect adversely on the~~
31 ~~judge's independence, integrity, or impartiality;~~
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33 ~~(5)(6)~~ Making recommendations to such a public or private fund-granting organization
34 or entity in connection with its programs and activities, but only if the organization or
35 entity is concerned with the *law*, the legal system, or the administration of justice;
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37 ~~(6)(7)~~ Serving as an officer, director, trustee, or nonlegal advisor of such an organization
38 or entity, unless it is likely that the organization or entity will be engaged in either of the
39 following:
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41 (a) Proceedings that would ordinarily come before the judge;

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43 (b) Frequently in adversary proceedings in the court of which the judge is a
44 member, or in any court subject to the appellate jurisdiction of the court of which
45 the judge is a member.
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47 (B) A judge may encourage lawyers to provide *pro bono publico* legal services.
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50 **Comment**

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52 [1] The activities permitted by division (A) generally include those sponsored by or
53 undertaken on behalf of public or private not-for-profit educational institutions, and other not-
54 for-profit organizations, including law-related, charitable, and other organizations.
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56 [2] Even for law-related organizations, a judge should consider whether the
57 membership and purposes of the organization, or the nature of the judge's participation in or
58 association with the organization, would conflict with the judge's obligation to refrain from
59 activities that reflect adversely upon a judge's independence, integrity, and impartiality.
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61 [3] Mere attendance at an event, whether or not the event serves a fundraising
62 purpose, does not constitute a violation of division (A)(~~4~~5). It is also generally permissible for
63 a judge to serve as an usher or a food server or preparer, or to perform similar functions, at
64 fundraising events sponsored by educational, religious, charitable, fraternal, or civic
65 organizations. Such activities are not solicitation and do not present an element of coercion or
66 abuse the prestige of judicial office.
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68 [4] Identification of a judge's position in educational, religious, charitable, fraternal,
69 or civic organizations on letterhead used for fundraising or membership solicitation does not
70 violate this rule. The letterhead may list the judge's title or judicial office if comparable
71 designations are used for other persons.
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73 [5] In addition to appointing lawyers to serve as counsel for indigent parties in
74 individual cases, a judge may promote broader access to justice by encouraging lawyers to
75 participate in *pro bono publico* legal services, if in doing so the judge does not employ coercion,
76 or abuse the prestige of judicial office. Such encouragement may take many forms, including
77 providing lists of available programs, training lawyers to do *pro bono publico* legal work, and
78 participating in events recognizing lawyers who have done *pro bono publico* work.
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81 **Comparison to Ohio Code of Judicial Conduct**

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83 Rule 3.7(A)(1) corresponds to the first portion of Ohio Canon 2(B)(2)(a). Rule 3.7(A)(2)
84 corresponds to Ohio Canon 2(B)(2)(a)(i), with the addition that a judge may solicit contributions
85 from members of the judge's family
86

87 Rule 3.7(A)(3) is identical to Ohio Canon 2(B)(2)(a)(ii).
88

89 Rule 3.7(A)(4) is similar to Ohio Canon 2(B)(2)(c) in that it allows judges to solicit
90 persons for membership in civic organizations, but the rule alters the test for determining
91 whether membership solicitations are permissible. Under the Ohio Canon, membership
92 solicitation is prohibited if it might reasonably be perceived as coercive and is essentially a

93 fundraising mechanism for the organization. Rule 3.7(A)(4) deletes the coercion test but allows
94 membership solicitation only if the organization is concerned with the law, legal system, or
95 administration of justice and even if the membership dues or fees will be used to support the
96 organization's objectives.

97
98 Rule 3.7(A)(5) allows a judge to participate in certain activities sponsored by educational,
99 religious, charitable, fraternal, and civic organizations, including those that might have a
100 fundraising purpose, provided the judge's participation does not reflect adversely on his or her
101 independence, integrity, or impartiality. Ohio Canons 2(B)(2)(a) and (d) limit a judge's
102 involvement in these activities if there is a fundraising component.

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104 Rules 3.7(A)(6) corresponds to Ohio Canon 2(B)(2)(b), and Rule 3.7(A)(7) corresponds
105 to Ohio Canon 2(B)(1).

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107 Rule 3.7(B) has no counterpart in the Ohio Code.

108 109 **Comparison to ABA Model Code of Judicial Conduct**

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111 Rule 3.7 differs from Model Rule 3.7 in two respects. Division (A)(3) incorporates a
112 2004 amendment to the Ohio Code that specifically authorizes judicial participation in certain *de*
113 *minimis* fundraising activities. Division (A)(5) is modified to alter the test for determining
114 whether a judge may participate in an event sponsored by an educational, religious, charitable,
115 fraternal, or civic organizations. Where such an event serves a fundraising purpose, the Model
116 Code permits judicial participation only if the event concerns the law, legal system, or the
117 administration of justice. The Ohio version of Rule 3.7 allows a judge to participate in these
118 activities, without regard to whether they have a fundraising purpose, provided the participation
119 does not reflect adversely on the judge's independence, integrity, or impartiality. This is
120 consistent with the test used elsewhere in the Code.

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122 Comment [3] is modified to correct a cross-reference to the rule.