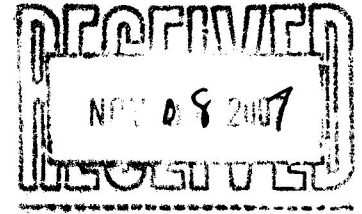


JUDICIAL ETHICS COMMITTEE
Advisory Opinion 07-3
Issued: November 5, 2007



Issue

May a Judge of the Superior Court be honored by the County Bar Association and attend a dinner in his honor to recognize his years of service, even though he may be appointed an Active Retired Judge and will be carrying on his judicial duties thereafter.

Statement of Facts

The President of the local County Bar Association has proposed to the retiring Judge that the County Association honor him with a testimonial dinner for his years of service to the Court. The Judge advises that he may be appointed to serve as an Active Retired Judge.

Discussion

Canon 4 of the Maine Code of Judicial Conduct provides as follows: A Judge Shall So Conduct the Judge's Extra-judicial Activities as to Minimize the Risk of Conflict with Judicial Obligations.

The pertinent portion of Canon 4 applicable to this situation is subparagraph D. Financial Activities.

“(5) A judge shall not accept, and shall urge the judge's spouse or dependent children not to accept, a gift, bequest, favor, or loan from anyone except for:
(a) a gift incident to a public testimonial . . .”

Conclusion

In view of the specific exception, it is clear that it is appropriate for the County Bar Association to hold a public testimonial to honor the Judge for his years of service.