

MINNESOTA BOARD ON JUDICIAL STANDARDS

Formal Advisory Opinion 2026-1

Participation in Community Events

Introduction

This opinion addresses judges' attendance and participation at community events. Community events include events open to the public to celebrate cultural, educational, civic, or religious occasions; fairs; parades; and events to share knowledge or share experiences.

The Minnesota Code of Judicial Conduct ("Code") generally permits judges to attend and participate in community events. Judges should be mindful of the permissions and prohibitions of the Code and exercise good judgment when participating in community events.

Main Code Provisions

The principle authorities for this opinion are:

Rule 1.2	Promoting Confidence in the Judiciary
Rule 1.3	Avoiding Abuse of the Prestige of Judicial Office
Rule 2.2	Impartiality and Fairness
Rule 2.4	External Influences on Judicial Conduct
Rule 2.11	Disqualification
Rule 3.1	Extrajudicial Activities
Rule 3.7	Participation in Educational, Religious, Charitable, Fraternal, or Civil Organizations or Activities
Rule 4.1	Political and Campaign Activities of Judges and Judicial Candidates

Other Authorities

Ariz. Sup. Ct. Jud. Ethics Advisory Comm. Op. 18-06.
Ind. Comm. on Jud. Ethics, Ad. Op. #1-20 at 7.
Cal. Comm. on Jud. Ethics Formal Op. 2020-14 at 2-3.
Colo. Jud. Ethics Advisory Bd. Advisory Op. 2022-01, eff. March 5, 2022.
N.Y. Advisory Op. 2017-38.
Arthur Garwin et al., *Annotated Model Code of Jud. Conduct* 407 (3rd ed. 2016).
Cynthia Gray, *Ethical Judicial Culture*, 56 Ct. Review: The J. of the Am. Judges Ass'n, 144, 144 (2020).

OPINION

Background and Context

Comments to the Rules of the Code generally encourage judges to participate in community events:

Rule 1.2, Comment [4] encourages judges to “participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.”

Rule 1.2, Comment [6] urges judges to “initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice” while also noting “In conducting such activities, the judge must act in a manner consistent with this Code”

Rule 3.1, Comment [1] states that “[J]udges are permitted and encouraged to engage in educational, religious, charitable, fraternal, or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.”

Rule 3.1, Comment [2] provides that “Participation in both law related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.”

Minnesota judges must aspire to not only be impartial, but to also appear to be impartial in order to preserve the public’s trust and confidence in the judiciary. “Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Rule 1.2, Comment 3, Minnesota Code of Judicial Conduct (“Code”). Rule 2.11(A) requires a judge to disqualify in cases where their “impartiality might reasonably be questioned.” Further, Rule 1.2, Comment [2] observes that “A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.”

Minnesota Board on Judicial Standards Advisory Opinion 2016-1 (Participation in Charitable, Educational, or Civic Organizations and Activities) discusses judicial participation in events sponsored by educational, religious, charitable, fraternal, or civic organizations. The Minnesota Code of Judicial Conduct generally permits, and in some cases, encourages, judges’ participation in activities sponsored by such organizations. *See also* Rule 3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities). But the Code limits judges’ participation in events involving fundraising and certain political activities, because these increase the risk that a judge may not appear independent and impartial. *See* Rule 3.7; Rule 4.1; Rule 4.2.

Community Events

A judge may attend and participate in community events in their individual capacity. While Rule 3.1 and its comments generally encourage judges to engage in extrajudicial activities that do not violate the law or the Code, the rule also lists specific prohibitions:

[A] judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law or Judicial Branch policy.

Fundraising and campaign or political activities sometimes occur at community events. As such, a judge's presence and participation at an event may be publicly perceived differently from the way the judge intended. These realities require judges to be thoughtful in how they participate in community events. Before attending or participating in an event, a judge should consider the prohibitions in Rule 3.1 and the list of General Cautions, below.

Identifying as a Judge

Nothing in this opinion is intended to discourage judicial officers from engaging in activities that promote trust and confidence in the courts. In fact, Comment 4 and Comment 6 to Rule 1.2 encourage judges to undertake such activity:

[4] Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and *promote access to justice for all*.

[6] A judge *should initiate and participate in community outreach activities* for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

(emphasis added).

A judge attending community events should consider whether it is prudent to participate in a way that publicly identifies the judge as a judicial officer.

The Preamble to the Code states, “[J]udges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal

system.” Comment 2 to Rule 1.2 states, “A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions of this Code.” In analyzing this comment, the Colorado Judicial Ethics Advisory Board stated, “[W]hen engaging in [a community event] judges should not identify as judicial officers but should still assume that their identity will likely be known and, as California’s Committee on Judicial Ethics recognized, that their ‘participation will be scrutinized, publicized, and depicted in reports of a demonstration or rally, including in press coverage or on social media.’” Colo. Jud. Ethics Advisory Bd. Advisory Op. 2022-01, citing Cal. Comm. on Jud. Ethics Formal Op. 2020-14 at 2-3.

Identifying as a judge during community events increases the risk that others present at the events may abuse the prestige of judicial office by using the judge’s presence in support of fundraising or political activities. See Rule 1.3, 2.4(C), 4.1; Ariz. Sup. Ct. Jud. Ethics Advisory Comm. Op. 18-06 (“[U]nless an event is directly related to the law, the legal system, or the administration of justice, judges should refrain from publicizing their affiliation with the judicial branch when participating in the march, rally, or protest.”); Colo. Jud. Ethics Advisory Bd. Advisory Op. 22-01 at 5 (judges should be wary of the possibility that others at an event “might abuse the prestige of judicial office to further their own cause or agenda”).

It has been asked whether a judge may identify themselves as a judge at community events if their appearance is educational, such as handing out informational pieces on jury service and the courts at a table. The judge should determine whether it is possible to work at the event and appear impartial. In contrast to members of the general public participating in community events, “judges cannot risk the neutrality that gives the public confidence in their ability to preside with an open mind over . . . contentious cases.” Cynthia Gray, *Ethical Judicial Culture*, 56 Ct. Review: The J. of the Am. Judges Ass’n, 144, 144 (2020). (<https://digitalcommons.unl.edu/ajacourtreview/740/>).

If a judge is speaking to a group at a community event, the judge has a platform to say that they are there to provide education. It may be harder to convey that message while working at a table. Where a community event involves fundraising, campaign, or political activity, it is less likely that a judge would be able to maintain their appearance of impartiality, especially when they are appearing in their role as a judge. The Code encourages judges to attend events that “promot[e] public understanding of and confidence in the administration of justice” while at the same time cautioning judges to “act in a manner consistent with this Code.” Rule 1.2, comment 6.

Campaign or Political Activities

A judge attending a community event should take caution to avoid any activity that would lead the public to believe they publicly endorse or publicly oppose a candidate for public office. Rule 4.1(A)(3). For example, judges should not wear any clothing, hats, or buttons supporting or opposing a candidate for public office. They should not carry any signs supporting or opposing a candidate for public office. They should not march with candidates for public office or their supporters in order to avoid the impression that they support the candidate. This opinion is not meant to curtail a judge’s or judicial candidate’s permitted participation in political or campaign activities under Canon 4, such as walking in a parade to support their own campaign.

Fundraising Activities

While attending community events, a judge should avoid any activities in which it appears they are improperly soliciting funds or services for an organization. Rule 3.7(A)(2). According to the *Annotated Model Code of Judicial Conduct*, “Most state courts and judicial ethics advisory committees have strictly applied restrictions on fund-raising, counseling against any ‘personal participation’ in fund-raising even when participation is indirect, or bears no relationship to the judicial office, or cannot reasonably raise concerns about coercion or exploitation of the office or the appearance of impropriety.” Arthur Garwin et al., *Annotated Model Code of Jud. Conduct* 407 (3rd ed. 2016).

Some restrictions are relaxed when events concern the law, the legal system, or the administration of justice. For example, judges may accept awards, speak, or otherwise appear at fund-raising events that benefit law-related organizations such as legal services programs and pro bono programs.

The Board’s Formal Advisory Opinion 2016-1, *Participation in Charitable, Educational, or Civic Organizations and Activities*, available at [mnbjs-advisory-opinion-2016-1.pdf](#), provides a detailed analysis regarding fundraising activities.

General Cautions

The Colorado Judicial Ethics Advisory Board Advisory Opinion 2022-01 has set out a helpful list of considerations for judges to use to determine whether it is appropriate for them to participate in community events, including:

- The official title of the event;
- The stated mission of the event;
- The sponsors and organizers of the event;
- The size of the event;
- The history of the event and how the event has evolved or has been perceived in previous years;
- Who is likely to participate in the event;
- Any signs or banners likely associated with the event;
- The marketing and promotional materials associated with the event;
- At what level the judge intends to participate in the event, for example, as an observer watching the parade or as a person marching in the parade; and
- The risk that the event might depart from its original mission and turn political or violent.

Even if a judge initially determines that their attendance or participation in a particular community event is appropriate, the judge should consider in advance how they will respond if the event unexpectedly changes character or the actions of others create ethical issues such that the judge’s continued presence or participation is problematic. “Simply put, judges cannot control how attendees and other third parties will act at an event, but they must control their own behavior, constantly be aware of the situation, know that they will likely be associated with other participants and their actions, and be prepared to leave the event if necessary.” Colo. Jud. Ethics Advisory Bd. Advisory Op. 2022-01 at 5; *see also* Ariz. Sup. Ct. Jud. Ethics Advisory Comm. Op. 18-06

("[E]ven assuming attendance at a march . . . is appropriate in the first instance, a judge must remain vigilant and should be prepared to leave if the event proves problematic under the Judicial Code"); Ind. Comm. on Jud. Ethics, Ad. Op. #1-20 at 7 (judge should be prepared to immediately leave the event if circumstances change and cause the judge to believe their integrity or impartiality may be questioned); N.Y. Op. 2017-38 ("The Committee . . . trusts that a judge will exercise discretion and leave the area . . . if the judge finds that political signs unexpectedly dominate the occasion.").

Conclusion

While this opinion does not address all questions related to a judge's participation in community events, the Board hopes that it provides sufficient guidance so that judges may make an informed decision regarding their participation. In addition, this opinion provides general guidelines for judges to consider while participating at community events.

Adopted April 24, 2026