

**Colorado Supreme Court
Judicial Ethics Advisory Board (C.J.E.A.B.)
C.J.E.A.B. Advisory Opinion 2007-05
(Finalized and effective February 21, 2007)**

ISSUE PRESENTED

The requesting judicial officer is a district court magistrate and municipal court judge. She asks whether and to what extent a judicial officer may advertise her availability or solicit business as a wedding officiant. She observes that performing wedding ceremonies, particularly at locations other than the courthouse, is one permissible way for judicial officers to earn extra income, and she would like to make her availability to perform such ceremonies more widely known. She does not desire to place a paid advertisement in wedding magazines, but instead asks whether she may send an introductory letter or flier to wedding and event planners stating her availability to perform weddings and stating various other factors for the planner to consider, such as the judicial officer's willingness to customize ceremonies and be available for rehearsals if desired. May the judicial officer advertise her availability to perform wedding ceremonies?

CONCLUSION

The judicial officer may not advertise her availability to perform wedding ceremonies by sending fliers to wedding planners and may not otherwise solicit business as a wedding officiant.

APPLICABLE CANONS OF THE CODE OF JUDICIAL CONDUCT

Canon 2 directs that a judge should avoid impropriety and the appearance of impropriety in all of the judge's activities.

Canon 5(c)(1) provides that a judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.

DISCUSSION

Under Colorado law, marriages may be solemnized in a variety of ways, including by judges and magistrates. *See* § 14-2-109(1), C.R.S. (2006). As Chief Justice Directive 98-06 observes, "performing weddings is an important public service that judges and magistrates may continue to perform at any time so long as it does not interfere with, nor

delay judicial duties.” See CJD 98-06. The Directive goes on to state that judges and magistrates may charge a fee for weddings performed outside of normal business hours, but they may not receive compensation of any kind for performing this service during normal business hours. *Id.* Furthermore, nothing in the Code of Judicial Conduct prohibits a judge from performing weddings and receiving reasonable compensation for the same.

The question before the Board, however, is in what, if any, way may a judicial officer make her availability to perform weddings known to members of the public. Like many of our sister jurisdictions, we conclude that to advertise for a service the judge is being asked to perform only because of his or her judicial office violates canon 5C(1), which requires a judge to refrain from financial dealings that exploit his judicial position. See, e.g., Az. Ad. Op. 00-08; Neb. Ad. Op. 04-02; Tex. Ad. Op, No. 72; Wa. Ad. Op. 91-14. Moreover, to allow the practice of advertising and soliciting weddings could create the appearance that the judicial officer is using his or her judicial office for personal benefit, in contravention of Canon 2, which directs a judge to avoid impropriety and the appearance of impropriety in all of the judge’s dealings. Thus, we conclude that a judge may not send fliers to wedding planners or otherwise advertise her availability to perform weddings, such as through a personal web site or yellow pages advertisement.

In concluding that a judicial officer may not personally advertise her availability or solicit business as a wedding officiant, we note that nothing in the Canons prohibits judicial officers from including their names on a court or county clerk and recorder’s list or web site of judicial officers willing to perform weddings, *see, e.g.*, <http://www.denvergov.org/TabId/383424/default.aspx> (web site of the City of Denver providing information about solemnizing weddings and listing judicial officers who perform daytime, evening, and weekend weddings), because such lists are not commercial solicitations.

FINALIZED AND EFFECTIVE by the Colorado Judicial Ethics Advisory Board this 21 day of February, 2007.

Board member Daniel S. Hoffman does not participate in this opinion.