

JUDICIAL INQUIRY COMMISSION

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ADVISORY OPINION 04-847

WRITING A LETTER REQUESTING PARTICIPATION IN VOLUNTEER LAWYERS PROGRAM

ISSUE

May a judge write a proposed letter to members of a local bar association encouraging participation in the State Bar's Volunteer Lawyers Program? **Answer:** Yes, the letter as written is not prohibited by the Alabama Canons of Judicial Ethics.

FACTS

A circuit judge proposes sending a letter on official stationery to members of a local bar association soliciting their participation in the Alabama State Bar's Volunteer Lawyers Program. In the letter, the judge would state that a need exists for basic civil legal services despite the time already volunteered by most lawyers in providing services for clients without compensation, that the state bar program has been created to provide attorneys with an organized mechanism for volunteering professional services to meet the needs of low income citizens, and that the success of the program depends upon the lawyers willing to donate their time and expertise through this very worthwhile project. The judge also would encourage attorneys to enroll in the state bar program if they have not already done so.

DISCUSSION

Canon 4 provides that, subject to proper performance of judicial duties, a judge may engage in activities to improve the law, the legal system, and the administration of justice if, in so doing, he does not cast doubt on his capacity to decide impartially any issue that may come before him. Quasi-judicial activities permitted under Canon 4 include assisting an organization devoted to the improvement of the law, the legal system, or the administration of justice to raise funds. The proposed

letter does not request a financial donation, but it does solicit the donation of professional services.

The letter, as written, merely encourages attorneys to fulfill the provisions of Rule 6.1 of the Rules of Professional Conduct, "Pro Bono Publico Service." The program in which the judge encourages participation is not operated by a private organization, but rather by the State Bar. An attorney participating in the program does not appear in court under the auspices of the program. It is the Commission's understanding that a participating attorney also is not otherwise identified as having undertaken a particular case. The proposed letter does not reflect adversely upon the judge's impartiality or otherwise create an appearance of impropriety.

The Commission is of the opinion that the letter, as written, is not prohibited by the Alabama Canons of Judicial Ethics.

REFERENCES

Alabama Canons of Judicial Ethics, Canon 4.

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, P. O. Box 303400, Montgomery, Alabama 36130-3400; tel.: (334) 242-4089; fax: (334) 353-4043; E-mail: jic@alalinc.net.