

Maryland Judicial Ethics Committee

Opinion Request Number: 2011-17

Date of Issue: August 8, 2011

Judge May Allow Name to be Used on Letterhead of Invitation to Join Alumni
Committee of a Non-Profit Legal Services Organization

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Issue: A judge has requested an opinion as to whether the judge may allow his or her name to appear, along with a number of others, on the letterhead of an invitation sent to members of the bar, inviting them to join an alumni committee of a non-profit organization that provides pro bono legal services to indigent persons.

Answer: Yes.

Facts: The inquiring judge has joined an alumni committee of a non-profit organization that provides pro bono legal services to indigent persons. Members of the committee agree to attend a special celebratory event of the non-profit organization; to make a contribution to a fund supporting the work of the organization; and to encourage others to attend the celebratory event. The organization will be sending a letter to members of the bar inviting other alumni to join the committee. The inquiring judge's name, along with those of other current members of the committee, will appear on the letterhead of the invitation but the judge will not be a signatory on the letter.

Discussion: According to the Comment to Rule 1.2 of the Code of Judicial Conduct (Md. Rule 16-813), judges should "support professionalism within the judiciary and the legal profession, and promote access to justice for all." Support of organizations that provide pro bono legal services to indigent persons serves to "promote access to justice for all." Therefore, it is acceptable for the inquiring judge to be a member of the alumni committee. The issue presented for consideration is the appearance of the judge's name on the letterhead of the invitation.

Rule 3.7(a) reads:

Subject to the requirements of Rules 3.1 and 3.6, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in

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the management and investment of the organization's or entity's funds;
(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;
(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice[.]

From the information provided, it appears that the inquiring judge would not be personally or directly "soliciting contributions". Rather, the judge's name, along with others, would appear on the letterhead of an invitation sent to certain members of the bar, inviting them to join a committee of the organization's alumni. The signature on the invitation will be that of "some other person of note".

The Comment to Rule 3.7 provides that "[i]dentification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons." The appearance of the inquiring judge's name on the letterhead in question is within the ambit of the Rule and is therefore permissible.

If the requested role of the inquiring judge is to be considered "solicitation", it is covered by 3.7(a)(3): "soliciting membership for an organization or entity . . . concerned with the law, the legal system, or the administration of justice." As quoted above, the Rule expressly allows that activity "even though the membership dues or fees generated may be used to support the objectives of the organization or entity[.]"

Application: The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the requestor described in this opinion, to the extent of the requestor's compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this opinion.

Additionally, this opinion should not be considered to be binding indefinitely. The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If you engage in a continuing course of conduct, you should keep

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abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.