

Maryland Judicial Ethics Committee

Opinion Request Number: 1980-03

Date of Issue: April 23, 1980

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge May Establish Blind Trust for Funds Raised by Others to Pay Judge's Defense Attorney's Fees

You have made a written request for the opinion of this Committee concerning the establishment of a blind trust for the purpose of receiving donations for your legal defense of an indictment charging offenses antedating your appointment to _____ Court. The Committee has previously rendered an informal opinion in answer to your inquiry.

Your letter states that attorneys' fees will be in excess of \$25,000 and that since the time of the indictment, you have been approached frequently by "friends and well-wishers" who have offered to make contributions toward the payment of this expense. If it is not improper, you wish to have the opportunity to accept this proffered assistance and to acquiesce in the formation of a trust by a group of your friends who would also conduct a fund-raising event. You have further explained that:

"The trustee of the fund could pay directly to my attorneys the legal fees which I owe, and I would have no knowledge as to who made contributions or the amount of any such contributions."

It is the opinion of the Committee that the establishment of the trust in the manner you have represented is permissible. The circumstances are such, however, that you must be especially cautious to avoid the "appearance of impropriety" prohibited by Canon IV of the Canons of Judicial Ethics. In our judgment, it is also incumbent upon the trustee to be constantly mindful of the ethical standards to which members of the judiciary must adhere, and he should sedulously avoid giving grounds for any reasonable belief or reasonable suspicion that the power of your office is being used to persuade persons to contribute.