

Maryland Judicial Ethics Committee

Opinion Request Number: 1975-09

Date of Issue: October 3, 1975

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge Not to Serve on Legal Advisory Board of Charitable Organization

You have inquired whether you may, with propriety, serve as a member of the Legal Advisory Board of X, Inc. As you know, it is entirely appropriate for judges to participate in the activities of educational, religious and charitable institutions, subject to several restrictions. Maryland Canon XXIII provides, in effect, that a judge should not incur obligations which in any way interfere or appear to interfere with the performance of his official duties. Canon XXIV provides that a judge should avoid giving a basis for any reasonable suspicion that the power or prestige of his office is being utilized to persuade others to support an institution with which he is connected. Maryland Rules 6 and 8 address themselves to the same questions.

The difficulty in your case is that the X, Inc., might well prove to be an agency which is related to the work of your court. If this should prove to be true, it might well appear to members of the public that you might not be able to act with complete objectivity in instances in which the X, Inc. is interested or involved. In this connection, see [Opinion Request No. 1971-05] of this Committee, dated 1 March 1972.

Additionally, the very name of the Legal Advisory Board would indicate that its function may well be to counsel X, Inc. Canon XXX precludes a judge from practicing law, as does Rule 5.

Although the American Bar Association's Code of Judicial Conduct, 1973, has not been adopted in Maryland, we have frequently turned to the Code for guidance. Canon 5B permits a judge to serve as "an officer, director, trustee or nonlegal advisor" of a charitable or civic organization, subject to the further proviso in Canon 5B(1) that "A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him...."

Under all the circumstances, it is our opinion that it would be highly desirable for you to decline the appointment.