

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 1980-07

**Date of Issue:** July 11, 1980

**O** Published Opinion      **G** Unpublished Opinion      **G** Unpublished Letter of Advice

### Judge May Write Introduction to Book on Alcoholism Recommending it to Judges and Other Professionals

A trial judge has requested the opinion of the Committee as to the propriety of his writing an Introduction to a book concerning the prevention and treatment of alcoholism and giving advice to the families of alcoholics. The proposed Introduction highly recommends the book to judges and other professionals dealing with legal and social problems related to alcoholism. The book is being published by a religious publishing house with any profits going to a religious organization. The judge will receive no compensation. The book will sell for under \$3.00 per copy.

Under Canon XXIV, "A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute either to the success of private business ventures or to charitable enterprises...". Rule 9 states, "a judge shall not, directly or indirectly, lend the influence of his name or the prestige of his office to aid or advance the welfare of any private business or permit others to do so. He shall not personally solicit funds for any purpose, charitable or otherwise."

It is the opinion of the Committee that the writing of this Introduction is not precluded by either the Canon or the Rule. Judges have frequently written similar passages for books dealing with legal subjects<sup>1</sup>, and, while this book is not a legal publication in the strict sense of that definition, it has a similar purpose. It is considered by the judge requesting the opinion as being a valuable source material.

Canon XXX specifically provides, in part, that a judge may write upon subjects in law, and accept compensation therefor, if such does not interfere with the performance of his judicial duties. [Opinion Request No. 1976-08], dated July 8, 1976, held that such legal writings are not proscribed by Canon XXIV or by Rule 9. We believe the same conclusion is warranted under the facts contained in this request.

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<sup>1</sup> e.g. Rosenberg, The Pretrial Conference and Effective Justice, Columbia University Press, 1964, Preface by Mr. Justice Tom C. Clark; Aaronson, Maryland Criminal Jury Instructions and Commentary, The Michie Company, 1975, Forward by the Hon. J. Dudley Digges; Maryland Pattern Jury Instructions ) Civil, Lawyers Cooperative Publishing Co., 1977, Preface by The Hon. Robert C. Murphy; Binder, The Hearsay Handbook, Shepard's Citations, Inc., 1975, Forward by The Hon. Joseph S. Lord, III, Chief Judge, U.S. Dist. Ct., Eastern Dist. of Pa.