

Maryland Judicial Ethics Committee

Opinion Request Number: 1996-20

Date of Issue: October 22, 1996

■ Published Opinion Unpublished Opinion Unpublished Letter of Advice

Solicitation of Attorneys for *Pro Bono* Work

When you recently inquired whether it is unethical for Judges of [a] Circuit Court ... to solicit attorneys to provide pro bono assistance to indigent parties in child custody cases, we responded After extensive discussion, the Judicial Ethics Committee has decided to withdraw [that response] and respond in this fashion to your inquiry. Hence, we will again respond seriatim to your inquiries:

1. Is it unethical for the judges of the Circuit Court as a group to solicit individual attorneys to agree to handle one pro bono case per year? In this regard, may a Judge personally contact an attorney and ask him or her to volunteer for such pro bono activity?

We do not believe that it is. While Canon 4C(2) of the Maryland Code of Judicial Conduct provides, in pertinent part, that

[a] judge should not solicit funds for any [civic or charitable] organization, or use or permit the use of the prestige of the judge's office for that purpose. . . . , the solicitation of volunteer pro bono assistance to indigent parties in child custody cases does not constitute "solicit[ation of] funds for [a civic or charitable] organization or use . . . the prestige of the judge's office for that purpose. . . ." Such services are of value only to "indigent parties in child custody cases," and the uninterrupted functioning of the circuit courts Consequently, the solicitation of such pro bono services is far different from "the dangers inherent in a judge's participation in civic and charitable fund raising." For example, we see no danger of an attorney volunteering for such pro bono work being viewed as later entitled to a favor from the judges. Moreover, we believe it illogical for an attorney declining such pro bono work to fear retribution from the judges.

2. May a Judge of the Circuit Court solicit volunteers by writing personally to an attorney and asking for such assistance?

We believe our response to your first question is dispositive of your second question.

3. May the Judges of the Circuit Court place an ad in the local bar newspaper soliciting volunteers for this service without contacting individual attorneys?

We believe the Judges of the Circuit Court ... may place ads in the local bar newspaper, soliciting volunteers for pro bono assistance in such cases.

4. May the Judges of the Circuit Court appear at group meetings of the Bar and solicit the group to volunteer for such service?

Canon 4A provides that:

[a] judge may speak . . . on both legal and non-legal subjects. A judge may participate in other activities concerning the law, the legal system and the administration of justice.

Accordingly, we are of the opinion that judges may appear at group meetings of the Bar and

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“solicit the group to volunteer for such service.”