

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: January 26, 2007

ADVISORY OPINION 07-874

APPEARING IN AN INFORMATIONAL VIDEO ABOUT THE LOCAL BAR ASSOCIATION'S VOLUNTEER LAWYERS PROGRAM

with the proper performance of the judge's judicial duties or cast doubt on her capacity to decide impartially any issue that may come before her. In fact, the judiciary is encouraged to speak, lecture, and teach about such topics. Commentary, Canon 4.

ISSUE

May a judge participate in a short informational video about the local bar association's volunteer lawyers program? Answer: Yes, a judge's participation is not prohibited by the Alabama Canons of Judicial Ethics if the content of the video does not violate the Canons.

In Alabama Advisory Opinion 04-847, the Commission considered the following circumstances in finding that Canon 4 permits a judge to sign a proposed letter to members of the local bar association to encourage participation in the Alabama State Bar Volunteer Lawyers Program:

FACTS

The local bar association's volunteer lawyers program is requesting a judge, who has been a member of its board for three years, to participate in a five-minute informational video which will be shown to social workers, other United Way agencies, civic organizations, fund-granting agencies that have previously donated to the program, and the general public. The video will also be used to recruit volunteers, but it will not solicit financial donations or be utilized in any fund-raising activity. Only a partial proposed script is presently available. It includes the script for the narrator, but not those of the other participants: the Board president, the executive director, prior clients, volunteers, and other Board members, including the judge. The program has requested the judge to speak specifically to the need for volunteer lawyers in domestic relations cases and also to judges' appreciation for the work of volunteer lawyers.

The letter, as written, merely encourages attorneys to fulfill the provisions of Rule 6.1 of the Rules of Professional Conduct, "Pro Bono Publico Service." The program in which the judge encourages participation is not operated by a private organization, but rather by the State Bar. An attorney participating in the program does not appear in court under the auspices of the program. It is the Commission's understanding that a participating attorney also is not otherwise identified as having undertaken a particular case. The proposed letter does not reflect adversely upon the judge's impartiality or otherwise create an appearance of impropriety.

DISCUSSION

Canon 4 provides that a judge may engage in activities that improve "the law, the legal system, and the administration of justice" if the particular activities involved do not interfere

Because the entire script for the video has not been submitted to this Commission, the Commission cannot speak to the appropriateness of its content. On the facts, as presented, we find that a judge is permitted to appear in an informational video for a volunteer lawyers program if the video, as a whole, does not reflect adversely upon her

impartiality or otherwise create an appearance of impropriety. The judge's participation must also comply with the provisions of Canon 2.

REFERENCES

Alabama Canons of Judicial Ethics, Canons 2 and 4

Alabama Advisory Opinion 04-847

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, P. O. Box 303400, Montgomery, Alabama 36130-3400; tel.: (334) 242-4089; fax: (334) 353-4043; E-mail: jic@alalinc.net.