

Maryland Judicial Ethics Committee

Opinion Request Number: 2008-18

Date of Issue: June 11, 2008

Published Opinion Unpublished Opinion Unpublished Letter of Advice

Judge May Lecture at Training Session Co-Hosted by a Law Firm and Bar Counsel, and Sponsored by a Liability Insurance Carrier

Issue: May a judge present a lecture to attorneys attending a seminar regarding legal ethics and malpractice that is co-hosted by a law firm and Bar Counsel, and sponsored by a liability insurance carrier?

Answer: Yes.

Facts: A judge has inquired as to the propriety of speaking at a biannual seminar, to be attended by several hundred attorneys, regarding ethical issues and the recognition and avoidance of legal malpractice. The seminar is co-hosted by a law firm and Bar Counsel, and sponsored by a liability insurance company. The judge's presentation would be limited to a discussion of recent and significant attorney disciplinary opinions of the Maryland Court of Appeals. The seminar is designed to be 100% educational in content. There would be no compensation for the judge's participation other than a breakfast served to all attendees. No representatives of the insurance company will make presentations at the seminar; however, some of the handouts will bear the insurer's name or logo and the company will offer a modest discount on its liability insurance to those attorneys in attendance.

Discussion: Canon 4B of the Maryland Code of Judicial Conduct (2005) permits a judge to lecture, speak, teach, write and otherwise participate in extra-judicial activities. Such extra-judicial activities, however, are limited to activities that do not raise a substantial question as to the judge's capacity to act impartially as a judge, demean the judicial office or interfere with the proper performance of the judge's duties. Canon 4A. In addition, Canon 2A requires judges to behave with propriety and avoid even the appearance of impropriety, while Canon 2B prohibits judges from conveying or permitting others to convey the impression that they are in a special position to influence judicial conduct.

The Judicial Ethics Committee previously addressed a similar issue in [Opinion Request No. 1988-02], issued on August 25, 1988. In that opinion, a judge was requested to speak at an after-hours training session for young associates of a law firm. The Committee found that as long as the judge remained reasonably available to accept similar invitations, and the judge's participation with the co-hosts were only occasional, no appearance of favoritism arose.

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The opportunity to lecture to a significant number of Maryland attorneys on legal ethics and attorney disciplinary matters advances the interests of the judicial system, enlightens the attendees as to their ethical obligations and assists in avoiding malpractice. Such goals are consistent with the permission to participate in extra-judicial activities granted in Canon 4B. It is the Committee's opinion that an insurance carrier's participation as a sponsor of the seminar does not, of itself, create an appearance of impropriety, demean the judicial office, or present an impermissible appearance of favoritism.

Under the circumstances set forth above, and subject to the constraints noted, the Committee is of the opinion that the judge may lecture at the seminar.

Application: The Judicial Ethics Committee cautions that this opinion is applicable only prospectively and only to the conduct of the requestor described in this opinion, to the extent of the requestor's compliance with this opinion. Omission or misstatement of a material fact in the written request for opinion negates reliance on this opinion.

Additionally, this opinion should not be considered to be binding indefinitely. The passage of time may result in amendment to the applicable law and/or developments in the area of judicial ethics generally or in changes of facts that could affect the conclusion of the Committee. If you engage in a continuing course of conduct, you should keep abreast of developments in the area of judicial ethics and, in the event of a change in that area or a change in facts, submit an updated request to the Committee.