

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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## **OPINION 90-5**

Issued April 20, 1990

*[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]*

*[Not Current- subsequent rule amendments to Canons 1 through 6, Ohio Code of Judicial Conduct, eff. May 1, 1997.]*

**SYLLABUS:** A judge is permitted to suggest to the local bar association programs or interests the bar may wish to pursue. However, a judge should not use his or her position to obtain any special favors from the bar association which would create an appearance of impropriety.

**OPINION:** We have before us your request for an advisory opinion on whether a judge would be creating any appearance of impropriety by asking the local bar association whether they will assist in an upcoming program. The program centers around a convention for judges being held in that particular county.

In our view, a judge may suggest that a local bar association become involved in a program relating to the law, the legal system or the administration of justice. See, Code of Judicial Conduct, Canon 4. A judge should not exert undue pressure on the Bar Association which could be considered as lending the prestige of the judge's office to advance the interests of others. Code of Judicial Conduct, Canon 2B.

Judges are encouraged to participate in bar activities as a means of keeping them in contact with the world around them and as a way of making the judicial expertise available in the ever-continuing effort to improve the law. Thode, Reporter's Notes to the Code of Judicial Conduct, 76 (1973). The Advisory Committee on Judicial Activities has sanctioned judicial involvement with bar associations provided judges refrain from engaging in bar activities which involve questions of litigation. Copple, From the Cloister to the Street: Judicial Ethics and Public Expression, 64 Den. U.L. Rev. 570, 571 (1988), citing Advisory Committee Op. 34 (1974).

A judge should not, however, use the bar association as a means of securing personal favors. Canon 2B prohibits judges from lending the prestige of their offices to advance the private interests of others. Moreover, a judge who accepts special favors from a bar association may be creating an impression that the bar association is in a position to influence the judge. Code of Judicial Conduct, Canon 2B.

In conclusion, it is our opinion and you are so advised that a judge may suggest or even encourage a bar association to become involved in a program relating to the law, the legal system, or the administration of justice. A judge shall not however, exert undue pressure on a bar association or use the influence of the judge's position to advance the interests of others.

**This is an informal, non-binding advisory opinion based upon the facts presented and limited to questions arising under the Code of Judicial Conduct.**