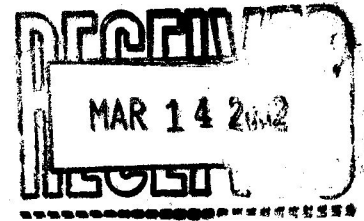


JUDICIAL ETHICS COMMITTEE
Advisory Opinion No. 02-1
Issued March 5, 2002



Re: Participation as a "Judicial Fellow" in the Association of Trial Lawyers of America

Issue:

Whether participation of Maine judges as a "Judicial Fellow" in the Association of Trial Lawyers of America comports with the Maine Code of Judicial Conduct.

Response:

After reviewing the material submitted and the Maine Code of Judicial Conduct, the Committee is of the opinion that it would be inappropriate to accept the invitation that has been extended. The Committee feels that acceptance of the invitation calls into play two Canons of the Code of Judicial Ethics.

The first is Canon 5(C)(4), because the offer from the Association of Trial Lawyers of America ("the Association") is for a no cost or "free" membership. See Judicial Ethics Committee Advisory Opinion 93-1, issued May 24, 1993 re: Attendance at MCLU Scolnik Award Dinner, finding that the privilege of a judge to attend the dinner at a lower cost constitutes a technical violation.

The second is Canon 4(A)(1). A judge shall conduct all of the judge's extra-judicial activities so that they do not: (1) cast reasonable doubt on the judge's capacity to act impartially as a judge. . . .

Generally speaking, the Association represents its attorney membership with regard to certain specific positions that are taken before both legislative and judicial

bodies. The fact that a judge might be identified as a “Judicial Fellow” connected with this Association may well cast doubts on his or her impartiality.

We also note that the position taken here is consistent with the position taken by other Judicial Ethics Committees in the States of Arkansas, Arizona, Georgia, Florida, and Louisiana.

Our position here is to be distinguished from membership of the Judiciary as “Fellows” of the American Bar Foundation and the Maine Bar Foundation, where in both instances the Foundation is supporting the mission of both organizations in expanding the rule of law and the sound administration of justice.

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