



ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in July 2010. Please see the 2010 Illinois Rule of Professional Conduct 8.4(f). This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

Opinion No. 86-18 July 17, 1987

Topic: Relationship with Officials; Appearance of Impropriety

Digest: A firm may not invite and bear the expense of judges' attendance at a firm golf outing.

Ref.: Canon 9
Rule 7-110(a)
ISBA Advisory Opinion No. 547

FACTS

A law firm is planning a golf-outing to which it will invite current and prospective clients, as well as local judges. The outing will include dinner and prizes, with the average expense per person exceeding thirty dollars. All expenses for the outing will be borne by the firm.

QUESTION

Can the firm appropriately invite and pay the expenses of judges attending this outing?

OPINION

We believe that the presence of local judges at the intended firm outing, with the firm's attorneys and clients, presents such an appearance of impropriety as to violate the dictates of Canon 9. This

appearance of impropriety would exist in this setting regardless of whether the law firm or the local judges bear the expenses.

Moreover, Rule 7-110(a) of the Code of Professional Responsibility provides:

A lawyer shall not give or lend anything of value to a judge, official, or employee of a tribunal, except that a lawyer may make a contribution to the campaign fund of a candidate for such office.

The bearing of the judges' expenses by the firm under the circumstances would constitute the giving of something of value such as is prohibited by the above Rule. Such Rule draws no distinctions based on the extent of the value given to the judge, nor, except in the instance of campaign contributions, the purpose for which the value is given. Rather, we believe, it is designed to prevent even the possibility of undue influence.

As much was previously recognized by this Committee some ten years ago in Advisory Opinion No. 547, in which we held that Rule 7-110(a) precludes even the giving of seasonal gifts to county officials and courthouse employees.

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