



ILLINOIS STATE
BAR ASSOCIATION

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). See also Illinois Code of Judicial Conduct Rule 65(c)(4). 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. 86-19
June 17, 1987

Topic: Relationship with Officials; Appearance of Impropriety

Digest: A bar association may bear the expenses of having judges as guests at sponsored activities.

Ref.: Rule 7-110(a)
Canon 9
ISBA Advisory Opinion Nos. 86-18, 548

FACTS

A bar association has monthly luncheon meetings and an annual dinner to which sitting judges are invited as free guests. These luncheons include educational programs pertinent to the members' practice.

QUESTION

May the bar association appropriately bear the expense of having judges attend association sponsored functions?

OPINION

In our recent Opinion No. 86-18, we determined that Rule 7-110(a) was designed to prevent even

the possibility of undue influence, and determined that it and Canon 9 preclude a law firm from having judges in attendance at a firm outing.

We do not, however, believe that Rule 7-110(a) precludes a regular and existing bar association from having judges in attendance for its functions, nor does it preclude the bar association from bearing the expenses of judges in attendance.

In Advisory Opinion No. 548, we held it permissible for an organized bar to sponsor functions for its members at which active judges were invited guests without cost. While Opinion 548 was issued prior to the adoption of Rule 7-110(a), we believe that the rationale used in allowing a bar association to bear the expenses of judges in attendance for its functions is still sound. Further, we do not believe that Rule 7-110(a) was enacted to abolish dinners in honor of the judiciary or other bar association functions to which judges are invited. The presence of judges at bar association gatherings, where, presumably, all members of the association may attend, does not give rise to the possibility of undue influence as may be present in private golf-outings or boat rides.

Indeed, we believe that contact between the organized bar and the judiciary should be encouraged, not discouraged. We note, with approval, the concerns expressed in Opinion 548 that these bar association activities be conducted in a manner so as not to bring the spectrum of appearance of impropriety into play. Since the issuance of Opinion 548 many diverse bar associations have been formed. We are aware that some of these associations are plaintiff oriented while others are defense oriented, while still others may be neither--nevertheless, we believe that full and open exchange of ideas, philosophies and the like between the lawyers and the judges should be fostered and we further believe that the bar association's functions are a proper and healthy forum for these exchanges. The bar association's paying of judge's expenses to attend does not, in our opinion, compromise the good which comes from these exchanges.

We are not unmindful that other bar associations have reached the opposite conclusion. See Michigan Opinion CL-567 (1980); Kansas Opinion 81-39 (1982); Oregon Opinion 467 (1982); Alabama Opinion 82-666 (undated).

Finally, We note that under Canon 5(c)(4)(a) of the Code of Judicial Conduct, which became effective in Illinois on January 1, 1987, a judge may accept an invitation with his spouse to attend a bar related function or activity devoted to the improvement of the law, legal system, or the administration of justice.

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