

Opinion: OK for judges to party at bar events

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By Christina Pazzanese

Event organizers and party planners are breathing a sigh of relief these days.

In a surprise move that should spice up guest lists around town, the Supreme Judicial Court has issued a Code of Judicial Ethics opinion declaring that judges can attend bar association functions, including educational conferences, receptions and even gala balls free from worry that doing so will violate their ethical obligations.

In a five-page opinion, the court describes an anonymous judge's dilemma over whether it's proper to accept an invitation to serve as moderator of a bench-bar panel at an unnamed bar association event — a gathering that sounds suspiciously like the Massachusetts Bar Association's centennial conference, a two-day celebration in May marking the organization's 100th anniversary.

The event in question features a bench-bar panel and the award of a scholarship to a needy law school student. Tickets are priced at around \$150, and the program is supported by a broad array of sponsors, including law firms, law schools and “many entities similar to those that typically advertise in Massachusetts Lawyers Weekly,” the court writes.

Boston attorney Douglas K. Sheff, vice president of the MBA and co-chair of the conference, says he can't confirm whether the opinion arose from the batch of invitations handed out for the upcoming celebration.

“It looks like our function,” he says, “but it's broad enough to apply to anyone else.”

Sheff calls the opinion “a great thing” for everyone in the legal community because it clears up what has long been a source of confusion for judges and frustration for bar associations, and it expands the kinds of activities judges can now participate in without having to think twice.

Until now, judges were widely divided over what kinds of functions the code permitted them to attend, with some taking a more relaxed view than others, Sheff says.

Donald R. Frederico, president of the Boston Bar Association and an attorney at Greenberg Traurig, says he's found judges to be very careful and fairly clear on the ethical boundaries. “I think it's going to be especially helpful to the bar to understand the limitations on judges.”

Frederico says he doesn't know what prompted the opinion, but he likes what he sees because it permits and even encourages judges to participate in bar-related educational programs.

The court says provided that judges merely attend a ball or other event related to the presentation of scholarships or the thanking of sponsors, but do not participate in the event's fundraising by playing an obvious or headlining role, and of course, their presence isn't used to pull in sponsors, they will not run afoul of CJE-92-2. Previously, judges were prohibited from attending events with a dual purpose of fundraising for charitable and political causes.

The court concludes that “your involvement in the educational events described above are consistent with the Code as your participation in the educational aspect of the conference is severable from the fund-raising aspect of the conference, and as the presence of a diverse array of sponsors negates the impression that any entity is in a special position to influence your decision.”

- Christina Pazzanese