



COMMONWEALTH OF KENTUCKY  
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY  
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JUDICIAL ETHICS OPINION JE-107

April 30, 2005

Question: Is it ethically permissible for a judge to, by personal letter, urge members of the local bar to donate time to a specific pro bono association on a free or reduced fee basis?

Answer: A majority of the Committee believes that the answer is no. A generic letter to the bar at large would be permissible so long as it does not reference any particular pro bono organization. SCR 6.1.

The Committee was contacted by more than one judge requesting a formal opinion as to whether it was ethically permissible to send a letter to members of the local bar urging each one to donate time on a free or reduced fee basis to a local pro bono organization. After noting that SCR 6.1 does no more than simply encourage bar members to give time to pro bono work, a majority of the Committee determined that it would be improper for local judges to do more. While a generic letter referencing no particular pro bono organization is probably not unduly coercive, a judge should be careful of using the prestige of his or her office to promote a specific pro bono organization. Canon 2. And, a judge should also be careful of drafting the letter in such a manner that his or her position is exercised to do more than simply exhort the goodness and desirability of pro bono work.

One member of the committee disagrees on the basis that the commentary to Canon 4C(3)(b)(iii) specifically states that a judge may solicit or encourage membership efforts for an organization devoted to the improvement of the law, the legal system or the administration of justice. Therefore, a generic letter to the bar at large referring to a local pro bono organization should be permissible.

Hon. Laurance B. VanMeter, Acting Chair  
Court of Appeals  
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