

Maryland Judicial Ethics Committee

Opinion Request Number: 2010-14

Date of Issue: *October 8, 2010*

■ Published Opinion □ Unpublished Opinion □ Unpublished Letter of Advice

Judge may approach law firms and propose that the firms underwrite the compensation of an attorney to provide advocacy to victims of domestic violence.

Issue: May a judge propose to law firms that they provide or underwrite the compensation of an attorney to provide full-time pro bono legal service in a program to represent victims of domestic violence?

Answer: Yes.

Facts: A federal agency is in the process of creating a program to provide “meaningful legal access for victims of domestic violence.” The plan envisions providing a lawyer to serve in the Protective Order Advocacy Representation Project operated by the House of Ruth in the District Court of Maryland for Baltimore City. The lawyer could be a recent law school graduate who has been offered a deferred position by a law firm. The requesting judge has been asked by the agency to propose to law firms that they underwrite the position or provide a lawyer to fill it.

Discussion: All members of the legal profession have an obligation to assist the public in having equal, fair and effective access to the courts. The needs of the public for legal services have increased dramatically, especially in these times when government and charitable resources to fund those services have diminished. Victims of domestic violence are among the least able to afford legal services and those most in need of legal services.

Lawyers are encouraged to provide pro bono public service. Maryland Lawyers’ Rules of Professional Conduct. Rule 6.1.

Judges can contribute to the solution by facilitating and encouraging the provision of pro bono legal services. Recognizing this role, the Maryland Code of Judicial Conduct (Md. Rule 16-813) provides:

“A judge may encourage but not coerce lawyers to provide pro bono public legal services.”

Rule 3.7(b).

Comment 5 to the Rule suggests various means of encouragement such as “providing lists of available programs” and “recognizing lawyers who have done pro bono public work,” adding that a judge should not “abuse the prestige of judicial office.”

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A judge who makes known to law firms a need and an opportunity, directly or indirectly, to provide pro bono legal services is neither coercing nor abusing the prestige of judicial office. (Approaching more than one law firm limits any appearance of coercion.) That is particularly true in this instance where law firms large enough to fulfill the request are sufficiently sophisticated to evaluate the request on its merits and their own economic interests.