

COMMISSION ON RETIREMENT, REMOVAL AND DISCIPLINE

OPINION 157Issue:

May the juvenile division of a judicial circuit publicly express its appreciation to the local bar for pro bono services provided in the representation of juveniles. The circuit relies heavily on the private bar to provide pro bono services. The public recognition would be in the form of a plaque mounted on the wall of the juvenile justice center and would further consist of an annual award given to an individual attorney who has provided outstanding service to the court.

Discussion:

Supreme Court Rule 2, Canon 4, allows a judge to "speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice". Additionally, the commentary to Canon 4 states:

"As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and the improvement of criminal and juvenile justice. To the extent that his time permits, he is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law."

The commentary to Canon 4 clearly indicates that judges are encouraged to take steps to improve the administration of justice especially as it applies to juvenile justice. Additionally, Canon 3B requires that a judge "maintain professional competence in judicial administration". The Commission recognized in Opinion 128 that a judge should be encouraged to participate in a media campaign to recruit foster families for juvenile court as such activity would improve the administration of juvenile justice. Likewise, in the Commission's opinion, a court's public recognition of those who have contributed their services will further the administration of juvenile justice.

In addition, the prohibition in Canon 2B against a judge's use of the prestige of his office to advance the private interest of others does not prevent the suggested activity. The Commission recognized in Opinion 133 that for the proper operation of many public and private institutions, a judge should be encouraged to offer recommendations giving the background and character of individuals known to the judge. The Commission

found that such activity does not indicate any impropriety or appearance of impropriety. Similarly, it is the Commission's opinion that there is no appearance of impropriety in a court's efforts to improve the administration of justice by publicly recognizing those individuals who have provided pro bono exemplary services to the juvenile court system.

Dated: April 24, 1991