

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinions

Opinion #186 - 4/28/71 (2-71)

Topic: Judicial Candidates
Campaign Expenses.

Digest: Not improper to make reasonable contribution to judicial candidates campaign committee.

Code*: EC 9-6
DR 9-101 (C)
Canons of Jud.Ethics 30, 32.

QUESTION

May a lawyer make a contribution to a judicial candidate's campaign fund?

OPINION

The propriety of a contribution to a judicial candidate's campaign fund depends upon all the attendant circumstances. A lawyer must refrain from making contributions that might justify the inference that the contribution is a device or attempt to gain from a judge special personal consideration or favor. N.Y. County 304.

It is not improper for a lawyer to contribute to a judicial candidate's campaign fund provided (a) the contribution is reasonable in amount; (b) the contribution is made to a campaign committee rather than to the candidate personally; and (c) he is assured that the identity of the contributors is not disclosed to the candidate. See ABA 226 (1941); N.Y. State 94 (1968). Disclosure to the candidate of the identity of contributors may create the impression that if elected he may administer his office with bias, partiality or improper discrimination.

Candidates for judicial office, as well as lawyers in general, have a duty to avoid the appearance of impropriety. EC 9-6; DR 9-101(C). See also Canons of Judicial Ethics 30, 32. In connection with support by lawyers of judicial candidates in general see N.Y. State 11 (1965); N.Y. State 12 (1965).

Opinion #187 - 4/28/71 (15-71)

Topic: Withdrawal from Employment.

Digest: Mere nonpayment of additional retainer does not justify withdrawal from matter pending before the Court, without the Court's permission.

Code*: DR 2-110(A) (2) and (C) (1) (f)
EC 2-32.

QUESTION

Is it proper for a lawyer, without the Court's permission or his client's consent, to withdraw from representation of his client and to refuse to attend at the trial unless he is paid further retainers.