

Canon 4
Extra-judicial Activities (Pro Bono Services and Activities)
ABA Standing Committee on Pro Bono and Public Service
Debbie Segal, Chair
December 3, 2003

The ABA Standing Committee on Pro Bono and Public Service (“Pro Bono Committee”) suggests that the Commission consider and evaluate ways of encouraging judicial participation in pro bono services and activities. The Pro Bono Committee’s recommendation derives from its tracking of developments that relate to the role of and special challenges faced by judges with respect to pro bono services and activities.

The Pro Bono Committee believes that while there are some pro bono activities clearly prohibited for judges, there is a broad area of pro bono participation that the Commission could specifically note, define and encourage in Canon 4 and its commentary. The Pro Bono Committee offers the following examples for the Committee’s consideration:

- a 2000 revision of the Canon 4 of the Colorado Code of Judicial Conduct that permits judges to engage in activities in support of pro bono services;
- a 2003 amendment of Canon 4C(3) of the Nevada Code of Judicial Conduct to eliminate language that may discourage members of the judiciary from assisting legal services organizations in the recruitment of lawyers or law firms to provide pro bono legal services.
- a 1997 resolution of the Conference of Chief Justices encouraging judicial pro bono participation
- Maryland and Michigan ethics advisory opinions addressing how judges may recruit pro bono volunteers and engage in activities to promote and encourage lawyers to provide pro bono services.
- Evidence of an expanding trend in judges making accommodations for pro bono lawyers.
- A 1996 California Judicial Council resolution asking judges to encourage pro bono services.
- Information about a split among jurisdictions on whether and the degree to which a judge may participate in fund raisers sponsored by charitable organizations.