

## **SUMMARY**

Massachusetts Bar Association  
Warren Fitzgerald, President  
March 1, 2006

### **Rule 4.04**

The Massachusetts Bar Association strongly opposes the proposed addition of the last phrase to section B(3) to rule 4.04 relating to judges' involvement with civic and charitable organizations. Subsection (3) provides that the participation of judges in the events of law related organizations is generally permitted. The proposed addition to subsection (3) provides the limitation: "unless the organization's membership includes predominantly lawyers who chiefly advocate a particular position or represent a particular client or type of client." This results in a definition so vague as to defy reasonable application. This rule could be interpreted to unduly restrict the valuable contribution of judges to a wide array of law related organizations.

The restrictions relating to association events found in the proposed subsection (3) are at odds with the permitted activities found in other subsections of Rule 4.04. There appears no such limitation of the types of organizations in which judges can be members or to which they can provide other support. Furthermore, the proposed subsection (3), which substantially deviates from the provisions of the existing rule 4, is not supported or amplified by existing or proposed comments

The Massachusetts Bar Association is strongly supportive of the involvement of judges in a wide variety of civic, charitable and law related organizations. The benefit to organizations from volunteer judicial involvement and support is inestimable. Likewise, the interaction of judges with members of the bar and the public strengthens and enriches our judiciary.