



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

350 McAllister Street, Room 1144A
San Francisco, CA 94102
(855) 854-5366
www.JudicialEthicsOpinions.ca.gov

CJEO Oral Advice Summary No. 2014-004

[Issued January 29, 2014]

**USE OF A TESTIMONIAL LETTER TO PROMOTE A NATIONAL BAR
ASSOCIATION PROGRAM**

I. Questions:

Question 1. May a California judicial officer serve as signatory to a testimonial letter for a national bar association program that coordinates judicial internships for law students, which will be mailed directly to sitting federal and state judges using judicial letterhead?

Question 2. Would use of the testimonial letter by the national bar association as part of informational materials given to law firms considering participating in or funding the program raise ethical concerns under the California Code of Judicial Ethics?

Specifically:

- (a) May the testimonial letter be included in informational materials forwarded by the national bar association to law firms that request information about the program?

- (b) May the testimonial letter be included in informational materials forwarded to law firms by the national bar association to solicit funds for the program?
- (c) May the testimonial letter be posted on the national bar association's website as part of informational material available to all viewers?

II. Oral Advice Provided:

Question 1. A California judicial officer may serve as a signatory to a testimonial letter that will be mailed directly to sitting federal and state judges using judicial letterhead. The draft testimonial letter provided to the committee with the request for oral advice falls within the permissions granted in the California Code of Judicial Ethics because it is a personal-knowledge-based testimonial letter (canon 2(B)(2)(e)) recommending a national bar association program dedicated to the improvement of the law, the legal system, and the administration of justice (canon 4B.). It is addressed to other state and federal judicial officers and seeks their non-monetary participation in the program (Advisory Com. commentary foll. canon 4B). It does not request funds or otherwise seek to raise money for the program. Thus, the judicial officer's name and title may be used in the letter to promote the program. Because the letter provides judges with information about the program, which includes mentoring and employing interns in the performance of judicial duties, it is being used for a public purpose and the letter may be written on official judicial stationery. (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007), § 8.52, p. 426; canon 2B(2)(e).)

Question 2. The draft testimonial letter raises ethical concerns under the California Code of Judicial Ethics if it is used essentially as a fundraising mechanism by the national bar association to solicit donations of time or money for the program from law firms. (Canon 4C(3)(d)(iv).) If sent to law firms as part of program materials intended to solicit funds, the letter provides a reasonable implication of the judicial officer's endorsement of funding and could reasonably be perceived as part of that

solicitation. Such use of the letter is prohibited under canon 4C(3)(d)(iv). Specifically, the testimonial letter may not be provided to law firms considering participation in the program as a sponsor or contributor. The letter may not be forwarded to law firms as part of a solicitation effort by the national bar association seeking funding for the program, regardless of whether or not the law firms have requested information about the program. The letter may be posted on the national bar association's website as part of informational material available to all viewers, including judges, law firms, and the public, but may not be posted on an area of the website devoted to solicitation and funding.



This oral advice summary is advisory only (Cal. Rules of Court, rule 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 1(a), (b)). It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rule 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)).