

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-04
(March 26, 1996)

**Membership in Association of Lawyers That
Promotes Political Change**

Issue

May a judge be a member of the National Lawyers Guild?

Answer: No.

Discussion

It is clear upon reading the preamble and constitution of the National Lawyers Guild that it is an organization dedicated to particular causes and is active in promoting specific points of view. For instance, the preamble, which states the broad purposes of the association, states, in part, that

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interest.

The preamble goes on to say that the “aim of the organization is to bring together all those who regard adjustments to new conditions as more important than the veneration of precedent . . .”

The committee is of the opinion that a judge’s membership in such an organization may give the appearance of favoritism and raise a question as to the judge’s ability to preside fairly over certain cases. As we noted in Opinion 95-02,

One of the central themes of the Code of Judicial Conduct is that judges must perform their duties independently and impartially and cannot participate in any activity that might suggest the appearance of favoritism or call into question the integrity of the judiciary. *See* Canons 1A, 2A, 2B, 4A(1), 4C(4), 4C(4)(a), 4C(4)(b) and 5.

We do not believe that the aims of the National Lawyers Guild are consistent with these canons. This does not mean the goals or purposes of this organization or similar organizations are improper; it simply means that a judge’s membership may raise a question as to the judge’s impartiality. Indeed, membership in and relationships with some organizations such as the American Bar Association and other bar associations are encouraged by the code and commentary. *See* Canon 4 and the commentary thereto.

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Even though membership in some organizations and associations may be proper and in fact encouraged, the changing nature of some organizations and of their relationship to the law require that a judge regularly examine the activities of the organization to determine if continued membership is appropriate. *See* Canon 4C(4), commentary, and Fla. Op. 93-5.

Membership in an organization or association such as the ABA which has, at times, engaged in activities in which a judge should not become directly involved, does not necessarily require a judge to discontinue affiliation with the organization; instead a judge should refrain from any participation in the organization's involvement in controversial social, legal, and political issues. *See* Ind. Op. 9-90; U.S. Judicial Conf. Op. No. 85.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1A, 2A, 2B, 4A(1), 4C(4), 4C(4)(a), 4C(4)(b) and 5 (1993).

Other References

Arizona Judicial Ethics Advisory Committee, Opinion [95-02](#) (March 17, 1995).

Florida Committee of Standards of Conduct Governing Judges, Opinion 93-5 (Jan. 28, 1993).

Indiana Commission on Judicial Qualifications, Opinion 9-90 (1990).

U.S. Judicial Conference, Committee on Codes of Conduct, Advisory Opinion No. 85 (reissued Nov. 1993).