Advisory Opinion #99-4

(adopted December 14, 1999)

Question: *May a judge be a member of the Association of Trial Lawyers of America or other specialty bar associations?*

Opinion: Maintaining the appearance of impartiality is essential to an effective judiciary. Canon 2 Alaska Code of Judicial Conduct. While judges are generally encouraged to participate in bar associations, specialty bar associations are different. Specialty bar associations have been defined as those associations of lawyers who mainly represent a particular class of clients or engage in a specialized practice or reflect a partisan view on legal issues.

Judges are not permitted to be members of special bar associations, as it would convey the appearance of a special relationship to one side in the adversarial process. "An organization need not be racist or vitriolic, however, in order to give the appearance of partiality. Membership on the board of directors of a legal aid society might convey the impression that a judge was predisposed in favor of its lawyers. . . . Thus, judges should avoid membership in even the most praiseworthy and noncontroversial organizations if they espouse or are dedicated to a particular legal philosophy or position." SHAMAN, LUBET, ALFINI, JUDICIAL CONDUCT AND ETHICS at 296 (2d ed. 1995). The Association of Trial Lawyers of America is a plaintiff's bar association. It promotes itself as leading the fight for the rights of injured persons and engages in lobbying activity against efforts to limit defendant liability.

Because the Association of Trial Lawyers of America advocates the position of plaintiffs in civil disputes, a judge's membership in that organization could convey a sense that the judge is predisposed toward plaintiffs. Special categories of membership or affiliation do not obviate the problem. Consequently, judges should not be members of the Association of Trial Lawyers of America, regardless of whether the membership is general or limited, free or paid. (*See also* Arkansas Advisory Opinion 99-04)