



Committee on Professional Ethics

Opinion #248 - 4/28/72 (26-72) Topic: District Attorney - Fund Raising

Digest: A District Attorney should not solicit funds for charity

Code*: EC 7-13; Canon 9
Judicial Canon: 25

QUESTION

Is it proper for a district attorney to solicit funds or lend his name to the solicitation of funds for charitable institutions?

OPINION

The solicitation of funds, directly or indirectly, by a district attorney would be an improper use of the prestige and influence of the position and the office.

Canon 25 of the Canons of Judicial Ethics condemns the use of the prestige of judicial office to further charitable enterprises. It is manifestly improper for a judge even mildly to coerce members of the Bar to contribute to a particular charity. ABA 238 (1942). A judge should not solicit for charities, nor should he permit his name to be used for such purpose. N.Y. City 230 (1932); N.Y. City 785 (1954); N.Y. City 800 (1955); N.Y. County 104 (1917).

The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice. EC 7-13. For the same reasons that judges are prohibited from soliciting for charitable enterprises, a public prosecutor is similarly prohibited. To lend the prestige and power of the public prosecutor's office to such a solicitation would give the appearance of impropriety in violation of Canon 9.
