

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT
OPINION NO. 20 - 1997

RE: Propriety of a judicial law clerk volunteering with a county juvenile arbitration program.

FACTS

A law clerk for a circuit court judge would like to donate his time to a county arbitration program. This program is designed to divert juveniles who have committed first offense misdemeanors. The arbitration program offers the minor an alternative to the family court system. None of the juveniles would come before this law clerk's judge. If the juvenile fails out of the arbitration program, he or she would be sent back to the family court system, not the circuit court.

CONCLUSION

A judicial law clerk may volunteer his or her time with a county juvenile arbitration program; however, he or she is prohibited from performing any services in a representative capacity.

OPINION

Rule 506, entitled Code of Conduct for Staff Attorneys and Law Clerks, governs this situation. Specifically, Canon 5(D) states that a law clerk should not practice law in any federal, state, or local court, except in his official capacity as law clerk. Moreover, this canon prohibits a law clerk from performing legal services for any private client for remuneration. There is an exception for legal services performed for family members. Thus, under limited circumstances, a law clerk may volunteer his or her time.

The canons prohibit a law clerk from practicing law in any court, unless pursuant to his own personal or family affairs. However, the law clerk may volunteer his or her time to a program which does not require his or her's performance to be in a representative capacity. In other words, a law clerk cannot represent a juvenile in any court in furtherance of the purposes of the program which he or she is volunteering. He or she is limited to volunteering time and non-representative services only. Moreover, he or she cannot perform any legal services for remuneration, regardless of who its for.

Thus, a judicial law clerk may volunteer his or her time to a county arbitration program for juveniles, as long as this service does not require representation of a non-family member.

A. CAMDEN LEWIS, CHAIRMAN
HONORABLE HENRY F. FLOYD
HONORABLE JAMES A. SPRUILL, III

November 14, 1997