

**ETHICS OPINION NUMBER 22
OF THE MISSISSIPPI BAR
RENDERED NOVEMBER 11, 1970
AMENDED APRIL 6, 2013**

PERSONAL INFLUENCE – JUDGES - Attempts to exert personal influence upon an administrative officer is improper.

Rule 3.5(a) and (b) and 8.4(d) of the Mississippi Rules of Professional Conduct (MRPC).

An opinion from this Committee has been requested on the following question:

Is it proper and ethical for a practicing attorney who has numerous cases before an administrative body, which has judicial powers, to habitually curry favor with hearing officers by taking them out and paying for their meals, giving them bottles of whiskey and otherwise paying for their entertainment?

In the opinion of this Committee, the practice described in the foregoing question is improper and unethical. Marked attention and unusual hospitality on the part of a lawyer to a judge, uncalled for by the personal relations of the parties, subject both the judge and the lawyer to misconstructions of motive and should be avoided. A lawyer deserves rebuke and denunciation for any device or attempt to gain from a judge a special personal consideration or favor.

Rule 3.5, MRPC, states in part:

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

- (b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;

Rule 8.4(d), MRPC, states in part:

It is professional misconduct for a lawyer to:

(d) engage in conduct that is prejudicial to the administration of justice.

The Committee believes that the aforesaid principles which apply regarding a lawyer's relationship with a judge, also, apply regarding a lawyer's relationship with an administrative hearing officer or other quasi-judicial officer.