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May 16, 1990

RE: Ethics Opinion 90-6

Dear

You have requested the advisory opinion of the Ethics Committee based upon the factual information stated below.

FACTS

You are a member of a citizens committee working for the election of a circuit judge in the 1990 election. The committee will be soliciting support, both financial and otherwise, for the candidate from the general public as well as other members of the legal community. You ask whether or not an attorney may actively participate as a member of such committee?

OPINION

Canon 7 of the Code of Judicial Conduct permits committees of the type you describe for the purpose of financing and managing a judicial candidate's campaign. This includes elicitation of statements in support of the candidacy. There is no prohibition from soliciting both financial and public support from fellow members of the legal community.

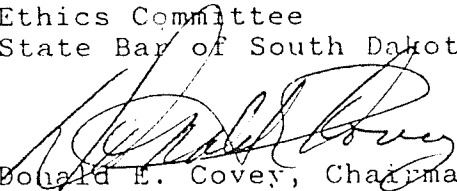
Specifically, the attorney's rule in a judicial election must be measured by Rules 8.2(a) and 8.4(c) and (d). The attorney must always be vigilant to abide by these

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rules to make sure any statements made are made in truth and good faith without any expectation that the attorney's campaign work will later show benefit at the bar of justice. See also Rule 8.4(e).

Respectfully submitted,
Ethics Committee
State Bar of South Dakota


Donald E. Covey, Chairman