

**FORMAL OPINION NO 2005-38**  
**Lawyer Campaigning for Others in Elections**

**Facts:**

Lawyer wishes to campaign in support of various candidates for judicial or other elected office. As part of this conduct, Lawyer proposes to speak publicly on behalf of various candidates and to lend Lawyer's name to written endorsements of those candidates.

**Question:**

Is the proposed conduct ethical?

**Conclusion:**

Yes.

**Discussion:**

No ethical rule prohibits lawyers from assisting in the campaigns of others. Although Oregon RPC 3.5(a) provides that a lawyer shall not "seek to influence a judge, juror, prospective juror or other official by means prohibited by law" and Oregon RPC 8.2(a) provides that "[a] lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard to its truth or falsity concerning the qualifications or integrity of a judge or adjudicatory officer, or of a candidate for election or appointment to a judicial or other adjudicatory office," there is no reason to believe that such conduct is contemplated here. *Cf.* OSB Formal Ethics Op No 2005-64 (lawyer may express opinions to newspaper concerning competence of judge before whom lawyer has never

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appeared as long as lawyer does not knowingly make false statements of fact concerning judge).

**Approved by Board of Governors, August 2005.**

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COMMENT: For additional information on this general topic and related subjects, see *The Ethical Oregon Lawyer* § 15.9-1 (helping a candidate in a judicial campaign) (OSB Legal Pubs 2015); *Restatement (Third) of the Law Governing Lawyers* §§ 113–114 (2000) (supplemented periodically); ABA Model RPC 3.5(a); and ABA Model RPC 8.2(a).