
**E-74-12 Lawyers invite members of jury to
“victory” party after successful litigation**

A request has been made for an ethics opinion, prospective in nature, regarding a practice which has occurred in some jurisdictions of a successful attorney in a civil or criminal litigation inviting all members of the jury for a victory celebration at a local restaurant, where the food and drinks were bought by persons interested in the success of the case, including but not limited to the client, the attorney and his friends and associates.

Both Disciplinary Rule 7-108 of the Code of Professional Responsibility and prior Canon 23, of the Canons of Professional Ethics, direct that:

“A lawyer either prior or during the trial of a case must abstain from communicating with or causing others to communicate with the members of the jury.”

In fact Disciplinary Rule 7-108(A) goes further in stating that:

“The lawyer shall not communicate with a member of the venire from which the jury will be selected for a trial of a case. And (D):

“After discharge of the jury from further consideration of a case, in which a lawyer is connected, he shall not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence his actions in future jury service.”

In this day and age, defense funds for the defense of a particular type of criminal case are commonplace, and the tendency to celebrate a victory may be commonplace. The lawyer should not participate in any such celebration. He should actively counsel against inviting a jury to so participate for the reasons set forth above and probably for additional reasons such as such participation may be used for the solicitation of business.

Even though the lawyer was not present at the celebration, it might appear to the public that the verdict was affected by a desire on the part of one or more jurors to be involved in a jury celebration. Also, jurors and prospective jurors might be influenced in their actions in future jury service if the prospect of a victory celebration were involved. It is not unreasonable to conclude that the

actions of the jurors in jury service in the future might be influenced. A lawyer must avoid not only impropriety but the appearance of impropriety. Canon 9.