



Home
Member Directory
Member Access

Special Sections

- State Bar News
- State Bar Outlook
- Featured Individuals
- Publications and Advertising

Menu

- Continuing Legal Education
- Disciplinary Actions / Notices
- Disciplinary Orders
- Ethics
- Proposed Opinions
- Frequently Asked Questions
- Forms
- IOLTA
- LAMP
- LAP / PALS / FRIENDS
- Legal Specialists
- Links
- Paralegal Guidelines
- Proposed Rule Amendments
- Prepaid Legal Services Plan
- Rules and Regulations
- Rules of Professional Conduct
- Trust Account Guidelines

Contact Info

- Directions to State Bar
- Agencies and Boards
- Committees
- Councilors
- District Bar Officers
- State Bar Officers
- State Bar Staff



Ethics

[← Back](#)

Select By Number

RPC 204

July 21, 1995

Editor's Note: This opinion was originally published as RPC 204 (Revised).

Prosecutor's Offer of Special Treatment to Defendants Who Make Charitable Contributions

Opinion rules that it is prejudicial to the administration of justice for a prosecutor to offer special treatment to individuals charged with traffic offenses or minor crimes in exchange for a direct charitable contribution to the local school system.

Inquiry:

District Attorney X would like to offer more favorable plea bargains to persons charged with traffic violations and minor criminal offenses upon condition that the individual charged make a direct charitable contribution to the local school board. In exchange for such contributions, the District Attorney would also like to offer to agree to the granting of continuances and PJs (prayers for judgment continued) in traffic citation and minor criminal cases. The charitable contributions would not be court fines and would not be channeled through the court system. The District Attorney contends that by making a direct contribution to the school system, defendants are paying more money than they would be required to pay if they were fined by the court and the school system receives more money than it would receive from court fines alone. Would this practice be ethical?

Opinion:

No. The offer of special treatment from a prosecutor to individuals charged with traffic violations or minor criminal offenses in exchange for direct donations to even the most worthy charity implies that justice can be purchased. Such conduct is clearly prejudicial to the administration of justice in violation of Rule 1.2 (d) of the Rules of Professional Conduct. See also Rule 7.2(a)(9). This practice would also be contrary to a prosecutor's special

responsibility "to seek justice, not merely to convict." Comment to Rule 7.3.

This opinion does not limit or prohibit the exercise of the authority granted to a prosecutor to recommend a particular plea arrangement which includes restitution or reparation pursuant to G.S. §15A-1021.



North Carolina State Bar
208 Fayetteville Street Mall
PO Box 25908
Raleigh, NC 27611-5908
919.828.4620

Copyright © 2001-2003 North Carolina State Bar. All rights reserved.