



JUDICIAL INVESTIGATION COMMISSION

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April 5, 2001

JIC Advisory Opinion 2001-09

Dear Judge :

In a letter to Counsel you asked the Judicial Investigation Commission for an advisory opinion. You stated that in June 2000 you qualified with the County Commission to serve as the Executor of the Estate of , a former client of yours. You began serving as Judge of the Circuit Court of County, , on January 1, 2001. You stated that the administration of Mrs. estate was nearly completed by the end of the calendar year 2000 but a couple of tasks still remain to be completed: the preparation and filing of a final settlement and the final distribution of assets of the beneficiaries named in Mrs. will. You stated that you were aware that Canon 4E of the Code of Judicial Conduct prohibited judges from serving as an executor or other personal representative, except for the estate of the member of the judge's family. You indicated that Mrs. was not a member of your family. You also said that one or more of your former law partners would be willing to complete the administration of the estate, but it would simpler for you to do since the administration of the estate was nearly completed and since a successor administrator would need to be qualified and post bond.

Canon 4E of the Code of Judicial Conduct states in relevant part as follows:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

E. Fiduciary activities. - (1) A judge shall not serve as executor, administrator, or other personal representative, trustee guardian, attorney in fact, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

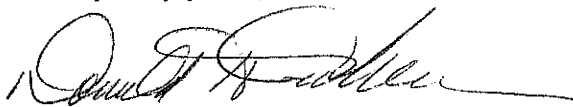
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You correctly pointed out in your letter that this Canon prohibits a judge from serving as an executor or other personal representative except for the estate of a member of the judge's family which Mrs. is not according to the information provided you. It is the opinion of the Commission that since you have former law partners who would be willing to complete the administration of Mrs. 's estate they should do so because of the prohibition contained in the Canon. While this will make completion of the administration of the estate a little more difficult, it is deemed to be the best approach to take by the Commission.

It is hoped that this fully addresses the question which you have raised. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald H. Cookman", with a long, sweeping horizontal line extending to the right.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb