



## JUDICIAL INVESTIGATION COMMISSION

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September 2, 2003

Re: JIC Advisory Opinion 2003-11

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that prior to your divorce, your husband and former law partner, began sharing office space with an attorney. Their arrangement involved her paying a percentage of her income to the firm in exchange for the use of the office space. They do not share income. Upon your divorce you relinquished any interest in that practice and the corporation that owns the building that houses the law practice. Given that you no longer have any interest in the practice or enterprise, you asked whether the attorney was prohibited from practicing before you.

To address the question which you have raised, the Commission has reviewed Canon 4D of the Code of Judicial Conduct. That Canon says in relevant part:

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

D. Financial activities. (1) A judge shall not engage in financial and business dealings that:

- (a) may reasonably be perceived to exploit the judge's judicial position, or
- (b) involve the judge in frequent transactions or continuing business relationships with those lawyers or other persons likely to come before the court on which the judge serves.

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Since you have relinquished any interest in the law practice and the corporation that owns the building that houses the law practice, you would not be in violation of provisions of Canon 4D regarding certain financial activities by a judge, if the attorney practices in your court. Based upon the facts as presented to the Commission, the attorney would not be prohibited from practicing before you since you have severed all transactions or business relationships involving that attorney.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF, II:nb