



JUDICIAL INVESTIGATION COMMISSION

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October 5, 2010

Re: JIC Advisory Opinion 2010-17

Dear Magistrate

In correspondence to the Judicial Investigation Commission you asked for an advisory opinion. You asked when corporation one to which a magistrate has an interest leases office space from corporation two to which an attorney has an interest should the magistrate allow the attorney's firm to appear in his court. You further indicated that the corporation in which you have an interest is a construction company whose only customer is the federal government. The attorney's corporation is a real estate holding company that leases office space. The attorney's firm appears in your court on an average of monthly.

To address the question which you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct. Canon 4 states 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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Based on the facts which you have presented to the Commission and the language contained in the relevant section of Canon 4, it is opinion of the Commission that the attorney may not appear before you in court. The members of the attorney's firm, who according to the information which you have provided have no interest in the corporation, would not be prohibited from appear before you.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Vice-Chairperson
Judicial Investigation Commission

REW:nb