

ADVISORY ETHICS OPINION 80-20

SYNOPSIS:

An attorney who serves as a part-time probate judge may not properly buy an asset from an estate pending before the judge's probate court either directly or anonymously through an agent.

QUESTION PRESENTED:

An attorney serves as a part-time probate judge. Is it ethically permitted for this individual to buy an asset from an estate pending before the probate court on which the attorney sits as judge, either directly or anonymously through an agent?

OPINION:

No. Any purchases by the lawyer from an estate pending before the lawyer as judge could raise an implication that the lawyer is taking advantage of "inside information" or that the estate is improperly attempting to influence the lawyer in the role of judge and could give rise to an "appearance of impropriety." EC 9-6. See, also, Code of Judicial Conduct, Canon 2.