

Judicial Inquiry Commission

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March 2, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning whether State laws prohibit a probate judge from engaging in a CPA practice after hours and on weekends.

As you are undoubtedly aware, the opinion authority of the Judicial Inquiry Commission is limited to the Canons of Judicial Ethics. Therefore, opinions as to State laws must be addressed to other agencies or officials.

While the Canons do not apply in their entirety to probate judges, probate judges are governed by Canon 5C concerning financial activities. That Canon provides in pertinent part:

- “(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.
- (3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified.”

Based on this Canon, it is the opinion of the Commission that a probate judge may engage in a private CPA practice so long as said practice does not reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or cause excessive recusals in judicial matters.

Very truly yours,