

Judicial Inquiry Commission

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November 1, 1982

The Judicial Inquiry Commission has considered your request for an opinion reconfirming our opinion no. 81-116. That opinion is hereby reconfirmed.

You further request an opinion concerning whether our opinion no. 81-115 is affected by the fact that the judge's former law partners have now dissolved their association and one of the former partners will be moving out of the building owned by the judge and both former law partners.

In opinion no. 81-115, the Commission considered the fact situation in which a judge engaged in a business arrangement with his former law partners in which the judge and his former law partners jointly owned the building occupied by the law firm composed of the former partners. The law firm payed the taxes, insurance, maintenance and upkeep. The Commission held that such a business arrangement would cause the judge to be disqualified in any proceedings in which the law firm represented a party. Disqualification is required by Canons 3C(l) and 5C(l).

It is apparent that the holding of opinion no. 81-115 is based upon the fact that the judge receives income as a financial benefit from an attorney or law firm occupying the building, and that the financial benefit or income may depend on the financial success of the attorney or law firm. Thus, it is the opinion of the Commission that if one of the attorneys, who jointly owns the building with the judge, leaves the firm and the building, and the judge no longer receives any income from that attorney, the judge would no longer be disqualified from hearing proceedings in which that attorney is involved.

Sincerely,