

(0009J)

ETHICS ADVISORY PANEL  
Opinion #92-78, Request #306  
Issued November 18, 1992

An attorney seeks Panel advice with regard to the following situation. The attorney informs the Panel that the bulk of the attorney's practice concentrates in a particular area of law. In this regard, the attorney and the attorney's law firm continuously appear before every judge in a specialized court. Recently, the inquiring attorney married a court clerk who is assigned to a judge in that court. The attorney explains that the clerk's duties are ministerial in nature and include assisting the judge in obtaining files and setting trial dates. The attorney questions whether the attorney and the law firm must take precautionary measures when appearing before this judge in light of this situation.

The Panel believes that it is not likely that the attorney has the ability to influence the Judges in this specialized court. However, the Panel cautions the attorney to be mindful of Rule 8.4 entitled "Misconduct." The Rule states that:

It is professional misconduct for a lawyer to:

(e) state or imply an ability to influence improperly a government agency or official . . . .

In this situation, the attorney has indicated that the clerk's duties are ministerial and that the clerk does not have the ability to influence a judge on legal issues. In addition, as long as the attorney and the law firm as a whole do not imply or state that they have the ability to improperly influence the judge, then the Panel believes that the attorney will not be in violation of Rule 8.4.