

Ethics Advisory Panel
Opinion #92-62, Request #288
September 16, 1992

An attorney seeks Panel advice as to whether the attorney may enter a professional relationship with a non-legal organization which is owned by a probate judge. The attorney appears before the same probate judge in the practice of law. Specifically, the attorney may be interested in conducting legal seminars for the non-legal organization. The attorney asks whether it is an ethical violation for the attorney to conduct seminars and receive client referrals from the organization.

Rule 3.5 entitled "Impartiality and Decorum of the Tribunal" is applicable to this inquiry. The rule states that:

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte with such a person except as permitted by law; or
- (c) engage in conduct intended to disrupt a tribunal.

In addition, Rule 8.4(e) entitled "Misconduct" provides that "It is professional misconduct for a lawyer to: state or imply an ability to influence improperly a government agency or official." The Panel is of the opinion that the attorney in this situation described does not violate any Rules of Professional Conduct as long as the attorney complies with the Rules cited above.

The Panel declines to render any advice with regard to the judge's conduct because such conduct is governed by the Judicial Code of Ethics.