



Committee on Professional Ethics

Opinion #240 - 3/17/72 (19-72) Topic: Judiciary serving as Executor or Trustee.

Digest: A judge may accept executorships and trusteeships which do not conflict with the performance of his judicial duties.

Judicial Canon: 27

QUESTION

May a member of the judiciary accept an executorship or trusteeship?

OPINION

Canon 27 of the Canons of Judicial Ethics provides that a judge is not disqualified from holding an executorship or trusteeship provided that such a position does not interfere with the proper performance of his judicial duties. He should not accept such position or continue as such a fiduciary, if the business interests of those represented require investments in enterprises that are apt to come before him judicially or to be involved in questions of law to be determined by him.

We call attention to Canon 5(D) of the February 1972 Final Draft of the proposed new Code of Judicial Conduct that, if adopted, will change the rule. Such proposal provides in part:

"A judge should not serve as an executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of his family, and then only if such service will not interfere with his judicial duties."
