



## Committee on Professional Ethics

Opinion #263-9/15/72 (48-72)

Topic: Private practice by Temporary Acting Judge.

Digest: Temporary Acting Judge with criminal jurisdiction should not engage in private criminal practice.

Code: Canon 9;  
EC 9-2; 9-6;

Code of Judicial Conduct: Canon 2.

### QUESTION

May a lawyer who is appointed Temporary Acting Judge to preside during the absence or disability of a judge of a court having criminal jurisdiction, represent clients in criminal matters before the same court or other courts when not discharging his duties as judge?

### OPINION

It has frequently been declared that a part-time judge with criminal jurisdiction may not represent clients in criminal matters in his private practice. N.Y. State 228 (1972); N.Y. State 203 (1971); N.Y. State 181 (1971); N.Y. State 146 (1970). See Canon 9; EC 9-2, 9-6; Code of Judicial Conduct, Canon 2. A Temporary Acting Judge with criminal jurisdiction is subject to the same restrictions while he is in office for the same reasons set forth in the above cited opinions.

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