



Committee on Professional Ethics

Opinion #370 - 12/19/74 (53-74) Topic: Sharing salary by part-time judge.

Digest: Town Justice may not share his salary with his law partners, either directly or indirectly.

Code of
Judicial Conduct: Canon 2

QUESTION

May a lawyer who is a part-time Town Justice adjust his share in his firm's partnership earnings by the difference between the share of profits which he would have received if he had not been a Town Justice, less the amount of his judicial salary?

OPINION

A part-time judge may not share his judicial salary with his law partners. N.Y. State 210 (1971). Although decided under the former Canons of Judicial Ethics, the same underlying principles have been incorporated into the Code of Judicial Conduct in Canon 2, and continue to apply to part-time judges, under that Code's "Compliance" provisions.

What a judge may not do directly, he may not do indirectly. Thus it would be improper to adjust his share in partnership earnings by any formula which either directly or indirectly uses as a measure the amount of his judicial salary.
