

Maryland Judicial Ethics Committee

Opinion Request Number: 1977-06

Date of Issue: October 17, 1977

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge May Purchase Building in Another Circuit but Not Actively Manage Property or Negotiate Purchase or Sale

In your letter to us you state that you are interested in purchasing for long term investment a small office building located in a county outside your circuit. The building is currently owned by a member of the Bar of that county and houses a number of lawyers, some surveyors, accountants and a District Court Commissioner who will soon vacate the property when the County Office Building opens for occupancy. Negotiations for the purchase of the building, financing and handling of settlement would not be carried on by you but by your retained counsel.

You state that you have no personal or business relationship with the current owner of the property nor with any tenant and that it is unlikely that any such tenant will appear before you in your own jurisdiction but that you would disqualify yourself upon request if there should be any such appearance.

You have asked whether this proposed transaction is in compliance with the Maryland Rules of Judicial Ethics and you have referred to this Committee's [Opinion Request Nos. 1975-06 and 1976-11].

As we have previously advised you by telephone, since the negotiations and handling of the settlement will not be carried on by you, we believe that the principles set forth in [Opinion Request Nos. 1975-06 and 1976-11] clearly establish that your proposed transaction does comply with the ethics rules. With respect to the matter of a judge's personally managing real estate or taking part in negotiations for its acquisition or for its possible future disposition, see generally *In re Foster*, 271 Md. 449, 474-475, 318 A.2d 523 (1974).