

Nebraska Ethics Advisory Opinion for Lawyers  
No. 74-4

A LAWYER SHOULD NOT LEASE OFFICE AND COURT-ROOM SPACE (IN A BUILDING OWNED BY AND PARTIALLY OCCUPIED AS AN OFFICE BY THE LAWYER) TO A COUNTY JUDGE BEFORE WHOM THE LAWYER ACTIVELY PRACTICES. HOWEVER, A LAWYER MAY LEASE SUCH OFFICE AND COURT-ROOM SPACE TO THE COUNTY, WHICH IN TURN INTENDS TO MAKE THE SPACE AVAILABLE TO THE COUNTY JUDGE.

CODE PROVISIONS INTERPRETED:

E.C. 9-6. "Every lawyer owes a solemn duty...to strive to avoid not only professional impropriety but also the appearance of impropriety."

[Opinion No. 71-4](#) of the Advisory Committee prohibiting a lawyer from leasing office space from a County Judge before whom the lawyer actively practices.

FACTUAL SITUATION

A practicing lawyer was recently appointed County Judge and he officed for many years in a bank building which was subsequently sold to another attorney who now occupies part of the bank building as his law office and who also purchased the law office assets from the County Judge. The County Board wishes to lease space in the building from the lawyer in order to provide office and court-room space for the County judge.

QUESTION

Is it ethically proper for the lawyer to lease said space to the County for office and court-room use by the County Judge?

DISCUSSION

The previously cited [Opinion 71-4](#) prohibited direct leasing arrangements between the lawyer and the

County Judge before whom the lawyer actively practiced. The question presented here is whether the lawyer should be penalized under E.C. 9-6 to the extent of prohibiting him from leasing to the County Board for ultimate use by the Judge. Although the appearance of impropriety must be avoided, we can find no reasonable basis for prohibiting the lawyer from entering into a real estate lease transaction with the County Board under these circumstances.

#### CONCLUSION

The Committee believes that the lawyer should be permitted to enter into a lease with the County Board for use as an office and court room for the County Judge.

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