



JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

January 22, 1991

Re: JIC Advisory Opinion 1991-01

Dear

The Judicial Investigation Commission has considered your recent inquiry concerning what options are available to a judge who owns a building that has lawyers as tenants. This inquiry was discussed at a recent meeting of the Judicial Investigation Commission.

After discussing this matter, it is the opinion of the Commission that the provisions of Canon 5C(1) of the Judicial Code of Ethics would require that the judge take one of three options. The judge could sell the property in question; refer all of the tenant lawyers to another judge in the circuit for hearings on matters being handled by those attorneys; and not rent to lawyers.

Unless one of the three options were chosen by the judge, it is the feeling of the Commission that the judge would be involved in financial or business dealings that could tend to reflect adversely on his impartiality, could interfere with the proper performance of his judicial duties, and could involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

If there is any further question concerning this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Jack Stevens", is written over the typed name.

W. Jack Stevens, Chairman

CRG/bl