



## JUDICIAL INVESTIGATION COMMISSION

Building 1, Room E400  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0834

March 1, 1993

Re: JIC Advisory Opinion 1993-05

Dear

Your recent letter to the Judicial Investigation Commission in which you seek an advisory opinion was reviewed by the Commission at its most recent meeting. In that correspondence you asked whether you must divest yourself of ownership of one-fourth of the outstanding shares of stock of Inc., a West Virginia corporation. You've stated that the corporation was formed in 1979 for the purpose of developing certain real estate and that there were four incorporators who each received one-fourth of the shares issued. You stated that one of the shareholders is an attorney who will appear before you and before other judges in your circuit.

As you correctly stated in your letter, the language of Canon 4D of the new Code of Judicial Conduct sets forth the controlling language in this matter. Canon 4D states in pertinent part:

D. Financial Activities.

- (1) A judge shall not engage in financial and business dealings that:

. . . . .

- (b) involve the judge in frequent transactions or continuing business relationships with those lawyers or other persons likely to come before the court on which the judge serves.

March 1, 1993

Based upon a review of the information provided in your correspondence to the Commission and after a review of the language set forth in Canon 4D of the Code of Judicial Conduct, the Judicial Investigation Commission believes that you do not need to divest yourself of ownership in the stock of this corporation. However, in any case in which the attorney who is a shareholder in that corporation appears before you, you should recuse yourself or refer the case to the other judge in your circuit.

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

Very truly yours,

Fred L. Fox, II, Chairman

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