



## JUDICIAL INVESTIGATION COMMISSION

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

April 12, 1993

Re: JIC Advisory Opinion 1993-09

Dear

Your recent correspondence to Counsel for the Judicial Investigation Commission of West Virginia in which you request an advisory opinion was reviewed by the Commission at its last meeting. In that letter you state that there appears to be a possibility that your court reporter may be offered use of a beach area condominium at a very reduced rate. You state that the unit belongs to a local attorney who practices before the Court. You also indicate that the attorney utilizes your court reporter in his private practice and wants to stay on good terms with her insofar as receiving expeditious preparation of transcripts, etc.

In your correspondence you ask whether the arrangement of your court reporter receiving a very reduced rate on the condominium from the local attorney who practices in front of you might constitute a breach of the Code of Judicial Conduct with respect to you. Your inquiry is governed by language contained in Canon 4.

Canon 4D(5)(h) states:

### CANON 4

A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict with Judicial Obligations

D. Financial Activities.

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(5) A judge shall not accept, or knowingly permit staff, court officials, and others subject to the judge's direction and control to accept, and should urge members of the judge's family residing in the judge's household, not to accept a gift, bequest, favor, or loan from anyone except for:

(h) any other gift, bequest, favor or loan, only if: the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge; and, if its value exceeds \$150.00, the judge reports it in the same manner as the judge reports compensation in Section 4H.

It is the opinion of the Judicial Investigation Commission that the language set forth in Canon 4D(5)(h) would preclude your court reporter from accepting the use of the beach condominium at a very reduced price because the owner of the condominium is a local attorney who practices before you.

It is the feeling of the Commission, however, that the court reporter could pay the full fare rental price for the condominium and still rent it from the attorney if the reporter so chooses.

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

Very truly yours,



Fred L. Fox, II, Chairman

CRG/bl