



JUDICIAL INVESTIGATION COMMISSION

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

June 22, 1993

JIC Advisory Opinion 1993-15

Dear Magistrate :

Your recent letter to the Judicial Investigation Commission seeking an advisory opinion about the propriety of your renting a residence in from an attorney has been referred to members of the Commission.

In that correspondence you state that the attorney from whom you will be renting does not practice in your court, but that a partner in his law firm does appear frequently in your court on criminal cases.

After reviewing your request, it is the opinion of the Commission that the arrangement which you describe would not be permitted because of the language in Canon 4D(1)(b) of the Code of Judicial Conduct. That section of the Code of Judicial Conduct 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.

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

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(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 judges serves.

Based upon that portion of the Canon, it is the opinion of the Commission that the arrangement which you describe in your correspondence would not be appropriate.

Hopefully, this opinion addresses all of the questions which you raise in your correspondence. If there are any additional questions about this matter, do not hesitate to contact the Commission.

Very truly yours,

FLF

Fred L. Fox, II, Chairman

FLF,II/bl