



JUDICIAL INVESTIGATION COMMISSION

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

September 3, 1993

JIC Advisory Opinion 1993-18

Dear Ms. :

Your inquiry received by the Judicial Investigation Commission requesting an advisory opinion was reviewed at the most recent meeting of the Commission. In your correspondence you indicated that you were writing on behalf of the West Virginia Association to receive an opinion about raising funds for the purchase of certain computers. You stated in your letter that the majority of the people actually doing the fundraising are judicial employees. You also state that the Association would maintain ownership and control of the computer system and that the judge in whose courtroom the system was placed would not have control or ownership interest in the computer system.

The answer to your inquiry is governed by language contained in Canon 4D(5) of the Code of Judicial Conduct. That Canon states in pertinent part:

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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September 3, 1993

(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, or loan from anyone accept 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

Based upon the information set forth in your correspondence and the language contained in the pertinent parts of Canon 4 of the Code of Judicial Conduct, the solicitation of funds by judicial employees from lawyers would be improper.

It is hoped that the Commission has addressed all issues which you raised in your inquiry. If there is any further question concerning any of the matters set forth in this opinion, do not hesitate to contact the Commission.

Very truly yours,

FLF, II
Fred L. Fox, II, Chairman

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