



## JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street  
Post Office Box 1629  
Charleston, West Virginia 25326-1629  
(304) 558-0169 FAX (304) 558-0831

October 7, 1994

Re: JIC Advisory Opinion 1994-15

Dear

Your recent correspondence to Chief Justice was forwarded to the Judicial Investigation Commission and reviewed at its most recent meeting. In that correspondence you state that you have been temporarily appointed a special family law master for Region 9. You state that since you quit being a family law master on June 30, your private practice of law has included the representation of individuals in domestic relation matters. You ask whether you could engage in a domestic relations practice while serving as a special family law master.

It is the understanding of the Commission that your service as a special family law master is limited and directed at the completion of a few cases which you heard while serving as a family law master. Canon 6 of the Code of Judicial Conduct defines the application of the Code to continuing part-time judges. The commentary to that Canon states that "a family law master shall not accept any domestic relations matter or serve as an attorney in any proceeding related to a case in which he or she has served as a family law master . . ."

Given the temporary nature of your appointment and its narrow scope, the Commission feels that you would not be violating Canon 6C by serving as a special family law master to complete the cases in question and maintaining a domestic relations practice in your practice of law. However, if the nature of your appointment or the scope of your responsibilities as special family law master are altered, this matter would need to be subsequently addressed.

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It is hoped that this fully addresses the questions which you have raised. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is written in a cursive, somewhat stylized script.

Fred L. Fox, II, Chairman

FLF,II/bl