



JUDICIAL INVESTIGATION COMMISSION

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

June 14, 1995

Re: JIC Advisory Opinion 1995-11

Dear

Your letter to Counsel dated April 18, 1995, was reviewed by the Judicial Investigation Commission as its recent meeting. In that correspondence you indicate that you have been appointed to the position of part-time family law master for the County region. You asked if in light of your appointment you would be precluded from acting as counsel in a case before the Supreme Court of Appeals. You also asked in light of your appointment whether you would be precluded from acting as a contract attorney for the West Virginia Workers' Compensation Office of Judges.

A part-time family law master falls within the definition of a continuing part-time judge as defined in the terminology section of the Code of Judicial Conduct as "a judge who serves repeatedly on a part-time basis by election or under a continuing appointment, a part-time family law master, a juvenile referee, and a mental hygiene commissioner." The perimeters of activities permitted continuing part-time judges are set forth in Canon 6C(1) and (2) of the Code of Judicial Conduct.

Canon 6C(2) states that a continuing part-time judge "may practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, but shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto, or in any matter involving

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the same subject-matter jurisdiction." Based on this language you would be permitted to act as counsel in a case before the Supreme Court of Appeals of West Virginia if that case did not involve the same subject matter jurisdiction as that of a part-time family law master.

The second question which you raise has been addressed in an advisory opinion issued by the Judicial Investigation Commission on December 9, 1994. A copy of that opinion has been forwarded to you previously.

If you have any further questions regarding the matters which you have raised, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF,II/bl