

**JUDICIAL INVESTIGATION COMMISSION**

212 Dickinson Street  
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(304) 558-0169 FAX (304) 558-0831

December 13, 1995

Re: JIC Advisory Opinion 1995-35

Dear

Your letter to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that correspondence you requested guidance on the question of when it is appropriate, if ever, for a Family Law Master Assistant to sign the Master's name on an order, or the Notice of Recommended Order which accompanies each recommended order and states the time period for filing exceptions.

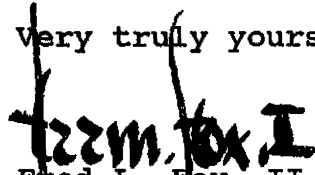
West Virginia Code §48A-4-14 sets forth the form of Notice of Recommended Order which shows beneath the signature line the title Family Law Master. It is also apparent from the Notice that the Recommended Order of the Family Law Master is sent to the parties with the Notice of Recommended Order. Canon 3A of the Code of Judicial Conduct states that the "Judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law." Canon 3B(2) states that "A judge shall be faithful to the law and maintain professional competence in it." It is apparent from the statute that the Family Law Master must sign the Recommended Order and the form of the Notice of Recommended Order set forth in the West Virginia Code indicates that the Family Law Master should sign it as well.

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The Commission feels that since the order must be signed by the Family Law Master and since this Order accompanies the Notice of Recommended Order that Notice must be signed by the Family Law Master also. See e.g. State ex rel. Sullivan v. Watt, 187 W.Va. 447, 419 S.E. 2d 708 (1992); Matter of Osburn, 173 W.Va. 381, 315 S.E. 2d 640 (1984).

It is hoped this opinion fully addresses the inquiry which you have made. If there is any additional question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink that reads "Fred L. Fox, II". The signature is written in a cursive, somewhat stylized font.

Fred L. Fox, II, Chairman

FLF, II/bl