



JUDICIAL INVESTIGATION COMMISSION

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March 10, 2000

JIC Advisory Opinion 2000-14

Dear Ms. Chernenko:

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion on behalf of the West Virginia Family Court Association of which you are the president. In your correspondence you stated that the Executive Committee of the West Virginia Family Court Association an association comprised in its membership of 33 Family Law Masters currently sitting in West Virginia recently discussed specific actions or contacts with the legislature which included each Family Law Master paying monies to the Association as an assessment for use by the Executive Committee in one of two ways. The proposed action is to purchase candy jars with the Association's name on them and allow each legislator to place one of the jars in their individual offices. The Family Court Association would then from time to time during the legislative session fill the jars with candy so that the legislator may distribute it to constituents and other visitors. At the end of the session the Association would remove the jars from each office. You also stated that the Association would sponsor a morning reception at the Capitol, at which refreshments would be served and to which all legislators and their staffs would be invited. Your Association discussed these contacts and attempted to design them in a way which would be permitted under the Code of Judicial Conduct including Canon 4B and Canon 4C(1).

To address the question which you have presented, the Commission reviewed those sections of Canon 4. They state in relevant part:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

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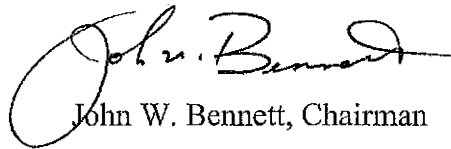
B. Avocational activities. - A judge may speak, write, lecture, teach, and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice, and non-legal subjects, subject to the requirements of this Code.

C. Governmental, civic, or charitable activities.

(1) Governmental activities.- A judge may appear at a public hearing before, or otherwise consult with, an executive or legislative body or official on matters concerning the law, the legal system, or the administration of justice or when acting pro se in a matter involving the judge or the judge's interests, subject to the requirements of this Code.

After reviewing these sections of Canon 4 and the specific activities set forth in your correspondence it is the opinion of the Commission that those activities which you describe in your letter would not violate the Code of Judicial Conduct. It is hoped that this opinion fully addressed those questions which you have raised. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,



John W. Bennett, Chairman

JWB:nb