



JUDICIAL INVESTIGATION COMMISSION

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April 14, 2000

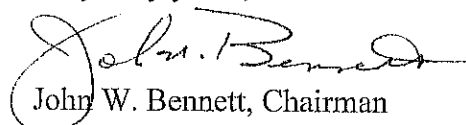
JIC Advisory Opinion 2000-21

Dear Judge :

Your request for an advisory opinion was reviewed by the Judicial Investigation Commission at its recent meeting. In your letter you state that you are running in the Primary against who is the son of retired Circuit Judge. You state that Judge was on retired on active status by recently had himself removed from retired active status (senior active status). You asked whether Canon 5 of the Code of Judicial Conduct replied to retired circuit judges, regardless of whether on senior active status or not.

In reviewing your request the Commission looked at Canon 6B of the Code of Judicial Conduct which relates to retired judges. That section of Canon 6 speaks to certain restrictions placed on retired judges who are admitted to senior status. It does state that a retired judge not admitted to senior status but who is recalled for specific cases or specific periods of service shall be deemed a pro tempore part-time judge subject to section 6E. That section of the Canon states that a pro tempore part-time judge is not required to comply at any time with Canon 5A(1), 5(A)(2), 5B(2) or 5B of the Code of Judicial Conduct. It is the opinion of the Commission after reviewing these sections of the Code that only judges who are admitted to senior status are under the restrictions of Canon 5 of the Code of Judicial Conduct. If a retired judge is not admitted to senior status, Canon 5 does not apply. If you have any further question regarding this matter do not hesitate the Commission.

Very truly yours,


John W. Bennett, Chairman

JWB:nb