

JUDICIAL INVESTIGATION COMMISSION Post Office Box 1629 Charleston, West Virginia 25326-1629 (304) 558-0169 • FAX (304) 558-0831

July 5, 2001

Re: JIC Advisory Opinion 2001-13

Dear

In a recent letter to Counsel to the Judicial Investigation Commission you asked for an advisory opinion regarding whether a full time family law master must report a partial contingent fee recovery received two years after going full time on the bench for a case that was pending at the time the Family Law Master closed her private practice and which had been referred to another attorney for completion.

Canon 4H of the Code of Judicial Conduct states 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.

H. Compensation, reimbursement, and reporting.

(2) Public reports. A judge shall report the name of a firm, corporation, or partnership in which the judge has an interest and relationship thereto. In addition, should the judge receive compensation during the calendar year exceeding \$500 from sources other than those listed in the preceding sentence, the judge shall report the name of the payor and the reason for the compensation. Compensation or income of a judge's spouse contributed to the judge by operation of a community property law is not extra-judicial compensation to the judge. The report must be made annually by July 1 for the preceding calendar year, and must be filed as a public document in the office of the Clerk of the Supreme Court of Appeals or other office designated by rule of the Supreme Court of Appeals.

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Based upon the language set forth in this section of Canon 4, it is the opinion of the Commission that you must report the partial contingent fee recovery mentioned in your correspondence to the Commission.

If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

All

Donald H. Cookman, Chairperson

DHC:nb