

**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 2001-14

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion regarding the propriety of a business transaction. You stated that in a recent community service car wash event, your wife met a woman who told her she was selling her car because she had just been through a divorce. You stated that you did not recognize the woman's name but after reviewing your files you learned that she was divorced on March 28, 2001, following a March 27, 2001, final hearing in your court. The woman's sole ownership of the car was part of the agreement approved by the court. She and her husband are the parents of two minor children and you stated that there is a potential that they will return to your court over issues relative to the divorce. You asked whether it would be ethically appropriate for you and your wife to discuss the possibility of purchasing the woman's vehicle.

To address the question which you have raised, the Commission reviewed Canon 2 of the Code of Judicial Conduct which states in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

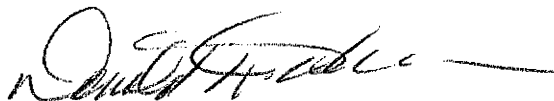
A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all time in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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Based upon the circumstances which you have described in your letter and the language contained in Canon 2, it is the opinion of the Commission that you should not negotiate the purchase of the vehicle. Furthermore, the possibility, as stated by you, of the individuals returning to your court for subsequence action on their domestic matters would create a problem.

Hopefully this opinion fully addresses the concerns which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald H. Cookman", followed by a horizontal line.

Donald H. Cookman, Chairperson

DHC:nb