

## **JUDICIAL INVESTIGATION COMMISSION**

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

October 1, 2002

Re: JIC Advisory Opinion 2002-25

Dear

You have recently written a letter to the Judicial Investigation Commission in your capacity as [redacted] of the Family Court Association. In that correspondence you stated that members of the West Virginia Family Court Association have requested an advisory opinion regarding the ability of the Association to collect voluntary donations from its members to retain a legislative representative. You stated that the Family Court Association is comprised of 35 Family Court Judges seated in 26 circuits throughout the state. In order to effectively convey to elected officials the needs of the emerging family court system, the Family Court Association would like to explore soliciting voluntary contributions from only its members for the purpose of retaining a representative for the 2003 legislative session. The representative would be duly registered in compliance with the requirements of the West Virginia Ethics Commission and would comply with all applicable regulations governing legislative lobbyists.

After reviewing the relevant portions of Canon 4, particularly Canon 4C(2), it is the opinion of the Commission that the Family Court Association could solicit voluntary donations from its members. Any solicitation outside the membership of the association would be prohibited by Canon 4C(2) which prohibits a judge from personally participating in fund-raising activities. The Commission would stress that the solicitation should be voluntary in nature and conducted only with members of the Family Court Association.

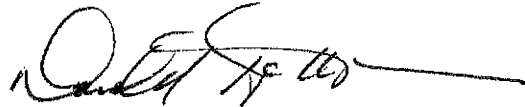
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The Commission could find only one advisory opinion regarding the propriety of hiring a lobbyist to assist a judicial association's efforts before the legislature. In Texas, the Judicial Ethics Commission issued Opinion No. 201 which at least implicitly approves such activity. A copy of this opinion is attached hereto. The Judicial Investigation Commission can find no prohibition against the employment of a legislative representative for purposes which you describe in your correspondence.

It is hoped that this opinion fully addresses the question 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 black ink, appearing to read "Donald H. Cookman", followed by a horizontal line extending to the right.

Donald H. Cookman, Chairperson  
Judicial Investigation Commission

DHC:nb

Enclosure