

**JUDICIAL INVESTIGATION COMMISSION**

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April 30, 2008

Re: JIC Advisory Opinion 2008-05

Dear


In a recent letter you asked for an advisory opinion. You asked whether it is permissible for a judge to accept remuneration or an honorarium for officiating at weddings when those weddings take place on weekends or after work hours. You asked if there is a limit on the amount or any guideline for the amount that a judge could accept for the service.

The Commission has reviewed Canon 4 of the Code of Judicial Conduct to address the questions which you have raised. Canon 4D(5)(a)-(h) deals with whether a judge may accept certain gifts, awards, bequests or loans. Those sections of Canon 4 do not seem to provide a permissible way for a judge to accept a remuneration or honorarium for officiating at weddings even those that take place on weekends or after work hours. The West Virginia Code grants authority for circuit judges to perform weddings.

Since the Canon provides no clear method for a judge to properly accept remuneration or an honorarium for officiating at weddings and since the statute provides that a judge may perform such functions as part of his judicial duties, it is the opinion of the Commission that a judge should not accept remuneration or an honorarium for officiating at weddings during work hours or when those weddings take place on weekends or after work hours.

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 the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission