February 22, 2010

Re:  JIC Advisory Opinion 2010-01

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion regarding the acceptance of a gift from the                    County Bar Association.  You state that on                    ), the                    County Bar Association had a dinner to honor you for serving     -years as Judge of the                    Judicial Circuit.  The Bar Association presented you with a gift of a         with engraving to commemorate the occasion.  The value of the       you think exceeds $1,000.00.  You were advised that every member of the
Bar Association contributed to the purchase of the gift.  You asked whether it is a violation of the Canons of Judicial Ethics to accept this gift, and if you accept the gift do you have to report it on the West Virginia Ethics Commission Financial Disclosure Statement (W.Va. Code 6B-2-6).

To address the issues which you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct.  Canon 4D(5)(a) provides that a judge may accept "a gift incident to a public testimonial . . ."  Canon 4D(5)(h) suggests that if a gift which is permitted to be made to a judge has a value which exceeds $150.00 the judge should report it in the same manner as the judge reports compensation in 4H of the Canon.  The Commission is of the opinion that the gift which you mentioned in your letter was a gift incident to a public testimonial since the Bar Association was honoring you for your    -years of service as a judge.  The gift also had a value exceeding $150.00 according to the information which you have provided and should therefore be reported under the terms set forth in the relevant section of Canon 4.

It is hoped that this opinion fully addresses the questions which you have raised.  If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II, Chairperson
Judicial Investigation Commission