

**JUDICIAL INVESTIGATION COMMISSION**

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

December 9, 1994

Re: JIC Advisory Opinion 1994-20

Dear

Your recent letter to the Judicial Investigation Commission requesting an advisory opinion was reviewed at the Commission's recent meeting.

In that correspondence you stated that you had been involved in a motor vehicle accident in which you had sustained certain property and personal injuries. The individual who caused the accident was insured by a national liability insurance carrier. You set forth the judicial composition in your circuit as well as the approximate caseload for each judge. You also stated the procedure which you had followed to avoid any conflict of interest and/or disqualification problems. You indicated in your correspondence that although you did not believe that your pending personal claim created a conflict with your judicial duties or that it gives the appearance of any impropriety, you contacted the lead insurance company counsel and disclosed the matter to him. You also stated that if you learned that this particular insurance company is involved in litigation pending before you, you disclose your case to both sides in the action and offer them an opportunity to voluntarily recuse you.

After reviewing your inquiry and the relevant sections of the Code of Judicial Conduct, the Commission feels that you do not have to recuse yourself from every case involving this insurance company. However, you should continue to make those disclosures which you have properly been making in those cases involving the insurance company. This procedure

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is urged in the commentary to Canon 3E which states that "a judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification."

If you have any additional questions concerning this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II", written over the typed name.

Fred L. Fox, II, Chairman

FLF,II/bl