



JUDICIAL INVESTIGATION COMMISSION

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

November 1, 1995

Re: JIC Advisory Opinion 1995-27

Dear

Your recent letter to Counsel for the Judicial Investigation Commission was reviewed at the Commission's recent meeting. In that correspondence you state that you currently serve as a Family Law Master for _____ County and formerly were employed as a child advocate in _____ County from October, 1990, through April, 1993. You state in your letter that for a sufficient portion of your employment with the Child Advocate Office, you were the only attorney in _____ County with a caseload of approximately ten thousand open cases. You correctly state that your recusal is mandatory in those cases in which you served as an attorney while working for the Child Advocate Office. You state that a problem arises in those cases involving parties with names beginning in L to Z when there is no indication in the file that you served as counsel in those cases.

After reviewing the information provided in your letter the Commission feels that Canon 3E(1) would require you to disclose your prior employment and responsibilities as a child advocate to the parties in those cases. The parties or their lawyers would then determine whether to file a motion to recuse you from that case. Enclosed is a copy of a recent advisory opinion dated August 15, 1995, which deals at some length with the question of disqualification.

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

Very truly yours,

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

Fred L. Fox, II, Chairman

FLF, II/bl
Enclosure