



JUDICIAL INVESTIGATION COMMISSION

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

February 5, 1997

Re: JIC Advisory Opinion 1997-02

Dear

Your letter to Counsel to the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In your correspondence you stated that on December 31, 1996, you resigned as a member of the Lawyer Disciplinary Board Hearing Panel. One of the cases which you chaired was finalized with the exception of signing off on the agreed stipulations between the parties. The stipulations had been accepted by your three person subcommittee. However, the final written stipulation document was not ready for signature prior to January 1, 1997, when you became Circuit Judge. You asked whether or not you are allowed to sign off on the final stipulation document which had previously been agreed upon by the subcommittee.

It is the understanding of the Commission based upon your letter that all of the matters in which you are involved as a member of the subcommittee have been finalized with the exception of your signing the agreed stipulations between the parties. Based on that information the Commission cannot find any violation of the Code of Judicial Conduct if you simply complete your responsibilities by signing the document. See Advisory Opinion of the Judicial Investigation Commission August 18, 1995. A copy of this opinion is attached for your review.

If there is any further question 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".

Fred L. Fox, II, Chairman

FLF,II/bl
Enclosure