



## JUDICIAL INVESTIGATION COMMISSION

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February 5, 1997

Re: JIC Advisory Opinion 1997-03

Dear

In a recent letter to Counsel you requested an advisory opinion as to whether or not a senior status judge could serve on the Fee Resolution Committee for the West Virginia State Bar. The Judicial Investigation Commission considered your request at its recent meeting.

As the Commission understands your role on this committee you would be a member of a resolution committee which would attempt to resolve a fee dispute between an attorney and the attorney's client. This is part of a mechanism put in place by the State Bar to review fee disputes.

Under the provisions of Canon 6B(4) you may, as a senior status judge, be employed as a mediator or an arbitrator notwithstanding the provisions of Canon 4F of the Code of Judicial Conduct which prohibit a sitting judge from acting as an arbitrator or mediator or otherwise performing judicial functions in a private capacity. The Fee Resolution Committee would involve you in activity not unlike that permitted by Canon 6B(4). For those reasons it is the opinion of the Commission that you may serve on the Fee Resolution Committee for the West Virginia State Bar.

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

Very truly yours,

  
Fred L. Fox, II, Chairman

FLF, II/bl