



JUDICIAL INVESTIGATION COMMISSION

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April 30, 1997

Re: JIC Advisory Opinion 1997-06

Dear

Your recent letter to Counsel to the Judicial Investigation Commission has been reviewed by members of the Commission. In that correspondence you asked for an advisory opinion on whether a family law master could hear cases where one of the parties practiced with the family law master in a private firm. You indicate that both were associates in the firm. It is assumed that you are stating that one of the parties in a case is represented by an attorney with whom you were associated in your law practice before you became a family law master.

Canon 3E(1)(b) of the Code of Judicial Conduct addresses the inquiry which you have made. That Canon states in pertinent part:

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

E. Disqualification. - (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(b) The judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such an association as a lawyer concerning the matter, or the judge has been a material witness concerning it; . . .

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This Canon suggests that you may not hear any cases involving an attorney with whom you previously practiced law who served during such association as an attorney concerning the case. Cases which came to the law firm after you were no longer an associate could be heard by you. However, for a reasonable time you should disclose your former relationship with the law firm in such cases.

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

Very truly yours,


Fred L. Fox, II, Chairman

FLF,II/bl