



JUDICIAL INVESTIGATION COMMISSION

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

March 16, 1999

Re: JIC Advisory Opinion 1999-03

Dear

You have recently requested an advisory opinion from the Judicial Investigation Commission. That request was considered by the Commission at its recent meeting. In your letter you state that your wife has been employed as Assistant General Counsel of the Bureau of Child Support Enforcement. Her office would be in _____ and her duties would be of an administrative nature with occasional appellate appearance in substitute work for Child Advocates. She will not supervise any employees and will have minimal staff contact other than answering questions. She will not work in your judicial circuit. You stated that most of your contact with the Bureau consists of reviewing recommended orders of the family law master. There are occasional hearings in which the Bureau is attempting to enforce the court orders. You asked whether you need to advise any litigants of your wife's situation. You stated that this could be some what difficult since you do not have any contact with the cases until they have been processed by the family law master.

To address the questions you have raised, the Commission has reviewed Canon 3E(1) of the Code of Judicial Conduct and the following commentary. That Canon and commentary state in relevant 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, . . .

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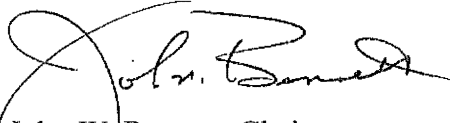
Commentary. - A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

Based upon the information which you have provided to the Commission and the relevant language contained in the Canon, the Commission believes that disclosure of your wife's employment should be made.

The disclosure including a brief description of her job may be made at the Circuit Clerk's Office or may be made by the Family Law Master. This would afford the parties an opportunity to raise any issues regarding your sitting on cases involving the Bureau of Child Support Enforcement.

It is hoped that this opinion addresses the issues which you have raised. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,



John W. Bennett, Chairman

JWB:nb