



JUDICIAL INVESTIGATION COMMISSION

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December 18, 2000
JIC Advisory Opinion 2000-42

Dear Judge Elect :

Your recent request for an advisory opinion was reviewed by the Commission. In your request you stated that you had been elected Circuit Judge for the Judicial Circuit and will take office January 1, 2001. You indicated you were in the process closing your law practice and that you had accounts receivable as well as some contingency fee contracts which would remain after January 1. You asked whether it would be possible for you to collect the accounts receivable and contingency fees after that date. You stated that you had made arrangements for another attorney to assume the contingency cases but wanted to collect any part or portion of the fee for any of those cases for which you were retained but which were not resolved until after January 1.

When reviewing your request the Commission could find nothing in the Code of Judicial Conduct which would prohibit you from accepting the accounts receivable fees or the contingency fees in cases worked on prior to January 1. The Commission assumes that the contingency fee arrangements are in writing setting forth a definite percentage for the fee. It further assumes that your clients know of the procedures which you are following to close your practice. It would be permissible for you to collect the accounts receivable and the contingency fees in cases handled prior to you becoming a circuit judge. See also W.Va. Advisory Opinion 9-28-98 (a copy of which is attached hereto); Missouri Advisory Opinion 6-2-81; U.S. Compendium of Selected Opinions § 2.7(b) (1995); New York Advisory Opinion 93-44.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Cookman", with a horizontal line extending to the right.

Donald H. Cookman, Chairman
Judicial Investigation Commission

DHC:nb